THE CONSTITUTION OF ATHENS

THE HISTORY OF THE CONSTITUTION

I ... the accuser being Myron before a jury selected by birth who had taken their oath over sacrificial victims. When it had been decided that sacrilege had been committed, the bodies of the guilty were disinterred and their families exiled in perpetuity. Epimenides of Crete purified the city in connection with this matter.

II After this there was an extended period of discord
2 between the upper classes and the people. The constitution was in all respects oligarchic, in particular in that the poor, together with their wives and children, were the slaves of the rich; they were described as *pelatai* and *hektemoroi*, which referred to the terms on which they worked the fields of the rich. The whole land was under the control of a few men, and if the ordinary people did not pay their dues they and their children could be seized. Further, all loans were made on the security of the person of the debtor until the time of
3 Solon—he was the first champion of the people. The harshest and most resented aspect of the constitution for the mass of the people was this slavery, although they had other complaints, for they had virtually no share in any aspect of government.

III The primitive constitution before the time of Draco, then, was as follows. Eligibility for office depended on birth and wealth, while tenure was at first for life and
2 later for a period of ten years. The most powerful and earliest of the political offices were those of the King Archon, the Polemarch and the Archon. The first was that of the King, being traditional, while the office of

Polemarch was the first added to this because of the incompetence of some of the kings in war; it was in
3 this way that they sent for Ion in a crisis. The last of the three was that of the Archon. Most people say that it was established in the time of Medon, though some say it was under Acastus, arguing from the fact that the nine Archons swear to observe their oaths as was done under Acastus that it was at this time that the sons of Codrus surrendered the kingship in return for the powers granted to the Archon. Whichever of these alternatives is true, the difference of date is not great; that the Archonship was the last of the three offices is shown by the fact that the Archon does not control any of the traditional ceremonies as the King Archon and the Polemarch do, but only ceremonies which are later additions; hence the importance of the office is of recent
4 origin, arising from these later additions. The *Thesmothetai* were instituted at a much later date when offices were already annual; their function is to inscribe the laws and preserve them for the decision of disputes. Because of its late date, the office of the *Thesmothetai* is the only archonship which was never anything but
5 annual. Such, then was the chronological sequence of these offices. All nine Archons did not have the same official residences; the King Archon lived in the building now called the Boukoleion near the Prutaneion, evidence for which is the fact that the union and marriage of the wife of the King Archon with Dionysus even now takes place there. The Archon had the Prutaneion, while the Polemarch had the Epilukeion, a building formerly called the Polemarcheion, but renamed the Epilukeion when it was rebuilt and furnished by Epilukos as Polemarch; the *Thesmothetai* had the Thesmotheteion. Under Solon all the archons were brought together in the Thesmotheteion. The Archons had full power to decide cases themselves, not only to hold preliminary hearings as now. Such then was the position of the Archons.

6 The Council of the Areopagus had the duty of watching over the laws, and had wide-ranging and important

powers in the city since it punished and fined all offenders without appeal. Archons were chosen on the basis of birth and wealth qualifications, and they made up the Areopagus; this is the reason why this is the only office which is still held for life today.

IV The above is an outline of the first constitution. A short time after this, in the Archonship of Aristaichmos, Draco introduced his legislation; this constitution was as
2 follows. Political power had been handed over to those who provided their own armour. They chose the nine Archons and the Treasurers from those men who had an unencumbered property qualification of not less than ten minae; the lesser magistrates were chosen from those who armed themselves, while the *strategoi* and cavalry commanders had to show unencumbered property to the value of at least a hundred minae and legitimate children, by citizen wives, not less than ten years old. The Prytanies had to receive sureties for them, as also for the *strategoi* and cavalry commanders of the previous year until after their *euthuna*, the sureties being four citizens from the same class as the *strategoi* and cavalry com-
3 manders. There was a *Boule* of 401 members, selected by lot from the citizen body. All those over thirty years old cast lots for this and the other offices, and nobody could hold the same office twice until all those eligible had held it; then the allotment started again from the beginning. If a member of the *Boule* failed to attend a sitting of the *Boule* or *Ekklesia*, he was fined three drachmae if he was a *pentakosiomedimnos*, two if he was a *hippeus* and one if he was a *zeugites*. The Council of the
4 Areopagos was the guardian of the laws and supervised the magistrates to ensure that they acted legally. If a man were wronged, he could lay information before the
5 Areopagus specifying the law he relied on. Loans were made on the security of the person of the borrower, as noted above, and the land was under the control of a few men.

SOLON

v In this political situation, when the majority were the slaves of the few, the people opposed the leaders of the
2 state. When the strife was severe, and the opposition of long standing, both sides agreed to give power to Solon as mediator, and entrusted the state to him; at that time he had written the poem which begins:

> Grief lies deep in my heart when I see the oldest
> of the Ionian states being murdered....

In this poem he champions both sides against the other, and argues their position, and then recommends an end to the prevailing rivalry.

3 Solon was one of the leading men by birth and reputation, but 'middle class' in wealth and position; this is agreed from other evidence, and Solon himself makes it clear in the following poem, where he advises the rich not to be greedy:

> Restrain in your breasts your mighty hearts; you
> have taken too much of the good things of life;
> satisfy your pride with what is moderate, for we
> shall not tolerate excess, nor will everything turn
> out as you wish.

He always attaches the over-all blame for the strife to the rich; this is why he says at the opening of the poem that he is afraid of their 'avarice and overbearing pride', since this was the cause of the conflict.

vi When he had taken power, Solon freed the people both then and for the future by making loans on the security of a person's freedom illegal; he passed laws, and instituted a cancellation of debts both private and public which men call the *seisachtheia*, for they shook off their burdens. Some try to attack him in this context; it happened that when Solon was about to introduce his *seisachtheia* he told some of the leading citizens, and then (according to the democratic version of the story) he was outmanoeuvred by his friends, while those who wish to blacken his reputation say that he was a party to

fraud. These men borrowed money and bought large areas of land; shortly afterwards, when debts were cancelled, they were rich. This is alleged to be the origin of those who later appeared to have been wealthy for
3 generations. However, the democratic account is more convincing. It is unlikely that Solon would hâve been so moderate and public-spirited in other respects, that, when he had it in his power to subject the other group and become tyrant of the city, he chose to incur the hostility of both sides, and preferred what was right and the salvation of the city to his own advantage, but yet would have sullied himself with such a trivial and
4 manifest fraud. That he had power to become tyrant is demonstrated by the perilous state of the city's affairs at the time; he himself mentions it frequently in his poems, and all other sources agree. One must therefore conclude that this charge is false.

VII Solon established a constitution and enacted other laws; the Athenians ceased to use Draco's code except for his homicide laws. Solon's laws were inscribed on *kurbeis* set up in the portico of the King Archon, and all swore to observe them. The nine Archons used to take their oath on the Stone, and undertook to set up a golden statue if they broke one of the laws; hence the oath which
2 they still take now. Solon made his laws binding for a hundred years and arranged the constitution in the
3 following way. He divided the people into four property classes according to wealth, as had been done before; the four classes were: *pentakosiomedimnoi*, *hippeis*, *zeugitai* and *thetes*. He distributed the other magistracies to be held by the *pentakosiomedimnoi*, *hippeis* and *zeugitai*, allotting the nine Archons, the Treasurers, the *poletai*, the Eleven and the *kolakretai* to various classes in accordance with their property qualification. The *Thetes* received only the right to sit in the *Ekklesia* and the
4 *dikasteria*. The property qualification for a *pentakosiomedimnos* was a minimum yearly return from his own property of 500 measures, dry or liquid. The *hippeis* had a minimum of 300, and some say that the class was also

restricted to those able to maintain a horse; they deduce this from early dedications, for there is a statue of Diphilos on the Acropolis with the following inscription:

> Anthemion, the son of Diphilos, made this dedication to the gods, having risen from the *thetes* to the class of the *hippeis*.

A horse stands by, showing the connection between the *hippeis* and being able to maintain a horse. None the less, it is more plausible that this class should have been defined by measures of produce like the *pentakosiomedimnoi*. The minimum qualification for the *zeugitai* was 200 measures, wet and dry combined, while the remainder of the population formed the *thetes* and were not entitled to hold office. This is why even now, when they are about to cast lots for a magistracy and a man is asked what his class is, nobody would say that he was one of the *thetes*.

VIII Magistracies were selected by lot from a group previously elected by each tribe. For the nine Archons, each tribe made a preliminary selection of ten men, and they cast lots among them; this is the origin of the practice which survives today by which each tribe picks ten men by lot, and then lots are cast again among them.* Evidence that Solon instituted selection by lot in accordance with property classes is the law about the Treasurers which is still in force; this lays down that the Treasurers shall be
2 selected by lot from the *pentakosiomedimnoi*. These were Solon's provisions about the nine Archons. In early times, the Areopagus had summoned the candidates and selected the man it judged suitable for each office itself
3 and installed him for the year. Solon retained the four tribes which already existed and the four tribal Kings; within each tribe there were three *trittues* and twelve *naukrariai*. The officers in charge of the *naukrariai* were called *naukraroi*, and they controlled contributions and expenditure; this is why many of the laws of Solon which

* Although in Aristotle's day there were then ten tribes (as instituted by Cleisthenes) in place of the four of Solon's time.

are no longer in force contain the phrases 'the *naukraroi* shall collect' and 'shall be spent from the funds of the
4 *naukrariai*'. Solon instituted a *Boule* of 400 members, 100 from each tribe, and he gave the Areopagus the duty of watching over the laws, analogous to its earlier position of guardian of the constitution. It had extensive supervisory powers over the important aspects of political life, and punished wrongdoers with full powers to inflict fines or other penalties; fines were deposited in the treasury, and there was no obligation to state the reason for the fine. The Areopagus tried those who conspired to overthrow the constitution under a law of impeachment which Solon introduced.

5 Solon realised that the city was often split by factional disputes but some citizens were content because of idleness to accept whatever the outcome might be; he therefore produced a specific law against them, laying down that anyone who did not choose one side or the other in such a dispute should lose his citizen rights.

IX The magistracies were reformed in this way. The following seem to be the three most popular features of Solon's constitution: first and most important, that nobody might borrow money on the security of anyone's freedom; secondly, that anyone might seek redress on behalf of those who were wronged; thirdly, the feature which is said to have contributed most to the strength of the democracy, the right of appeal to the *dikasterion*, for when the people have the right to vote in the courts they
2 control the constitution. The fact that the laws have not been drafted simply or clearly, but are like the provisions controlling inheritances and heirs, inevitably leads to disputes; hence the courts have to decide everything, public and private. Some think that Solon made his laws obscure deliberately to give the people the power of decision. This is not likely; the obscurity arises rather from the impossibility of including the best solution for every instance in a general provision. It is not right to judge his intentions from what happens now but by analogy with the rest of his provisions.

X Those were the democratic aspects of his legislation; before introducing his laws, he carried out the cancellation of debts, and after that the increase of the measures,
2 weights and coinage. For it was under Solon that the measures were made larger than the Pheidonian standard, and the mina, which formerly had a weight of seventy drachmae was increased to the hundred it now contains. The old coin was the two-drachma piece. He established weights for coinage purposes in which the talent was divided into sixty-three minae, and the three added minae were divided proportionately for the stater and the other weights.

XI After the reform of the constitution which has been described above, Solon was annoyed by people approaching him criticising some parts of his legislation and questioning others. He did not wish to make alterations or to incur unpopularity while in Athens, and so went abroad to Egypt for trading purposes and also to see the country, saying he would not return for ten years; he said it was not right for him to stay to interpret the laws but that everyone should follow them as they were
2 drafted. He had incurred the hostility of many of the leading men because of the cancellation of debts, and both sides had changed their attitude to him because his legislation had been different from what they had expected. The common people had expected him to redivide all property, while the wealthy had expected him to restore them to their traditional position, or at most only to make minor alterations to it. Solon had resisted them both, and, when he could have made himself tyrant by joining whichever side he chose, had preferred to be hated by both while saving his country and giving it the best constitution possible.

XII That this was Solon's attitude is agreed by all authorities, and he himself comments on it in his poems in the following terms:

To the people I gave as much privilege* as was

* Plutarch, in quoting this poem (*Solon* 18), gives 'power' not 'privilege'.

sufficient for them, neither reducing nor exceeding what was their due. Those who had power and were enviable for their wealth I took good care not to injure. I stood casting my strong shield around both parties, and allowed neither to triumph unjustly.

2 In another passage he describes how the ordinary people should be handled:

> The people will follow their leaders best if they are neither too free nor too much restrained, for excess produces insolent behaviour when great wealth falls to men who lack sound judgement.

3 In another passage he discusses those who wish for a redistribution of land:

> They came to plunder with hopes of riches, and each of them expected to find great wealth; they thought that although I spoke soothingly I would reveal stern determination. Their expectation was vain, and now they are angry and look askance at me like an enemy. This is wrong, for with the gods I carried out what I said, and did nothing else foolishly; it does not please me to act with the violence of a tyrant nor to give equal shares of our rich country to worthless and noble alike.

4 He discusses the cancellation of debts and those who had previously been enslaved but were freed through the *seisachtheia* in the following passage:

> Which of my aims did I abandon unattained, the aims for which I had assembled the people? My witness to this before the judgement of the future will be the great mother of the Olympian gods, dark Earth; I took up the markers fixed in many places— previously she was enslaved, but now is free. Many I brought back to Athens, their divinely founded city, who had been sold abroad, one unjustly, another justly, and others who had fled under compulsion of debt,* men who no longer spoke the Attic tongue, so wide had their wanderings been. Those at home, suffering here the outrages of slavery and trembling

* The word translated 'debt' is doubtful; see Commentary on this passage.

at the whims of their masters, I freed. This I achieved by the might of law, combining force and justice; I carried it out as I promised. I drafted ordinances equally for bad and good, with upright justice for each. Another man holding the spur that I held, a man of evil counsel and greed, would not have restrained the people. Had I been willing to indulge the enemies of the people or do to them what the people wished to do, the city would have lost many men. That is why I set up a strong defence all round, turning like a wolf at bay among the hounds.

5 Again, of the later attacks of both parties he says reproachfully:

> If I must express my reproach of the people in clear terms, they would never otherwise even have dreamed of what they now possess. The greater and more powerful also should praise me and make me their friend,

for, he says, if anyone else had held his position,

> he would not have restrained the people nor checked them before they squeezed all the cream from the milk. But I stood, as it were in no man's land, a barrier between them.

XIII For these reasons, then, Solon went abroad. When he had left, the city was still very disturbed; four years passed peacefully, but in the fifth year after his Archonship they did not appoint an Archon because of the dissension, and four years later the same thing happened
2 again for the same reason. After the same interval, Damasias was chosen Archon, and retained the position for two years and two months until he was forcibly removed from office. Then the Athenians decided because of the civil strife to choose ten Archons, five from the *Eupatridai*, three from the men of the country and two from the artisans; they held office the year after Damasias. This demonstrates the great power of the Archon, for the strife clearly always centred round this
3 office. In general, the Athenians lived in a state of continual turmoil in internal affairs, some finding the cause

and reason for dissent in the cancellation of debts, which had reduced them to poverty, some being angered by the great change in the constitution, and some motivated
4 by private feuds. There were three groups. The first was that of the Shore; their leader was Megacles the son of Alcmeon, and they favoured a middle-of-the-road policy. The second group was that of the Plain; their aim was oligarchy, and their leader Lycurgus. The third group was that of the Uplands; they were led by Peisistratus,
5 and he seemed to be the most democratic leader. This faction had been joined by those who had lost money when the debts were cancelled because they were impoverished, and those who were not of pure Athenian descent because of anxiety about their position. Evidence of this is the fact that after the abolition of the tyranny the Athenians revised the lists of citizens on the grounds that many were exercising citizen rights who were not entitled to them. Each group took its name from the area in which it farmed.

PEISISTRATUS

XIV Peisistratus had the reputation of being a strong supporter of the people and had distinguished himself in the war against Megara; he wounded himself, and persuaded the people that his political opponents had done it, with the result that they voted him a bodyguard on the proposal of Aristion. With the assistance of these 'club-bearers' he rose against the people and seized the Acropolis in the thirty-second year after the legislation
2 of Solon, which was the Archonship of Komeas. It is said that when Peisistratus asked for the bodyguard, Solon opposed him, claiming to be wiser than some and braver than others; he said he was wiser than those who did not realise that Peisistratus was aiming at tyranny, and braver than those who kept silent although they knew it. When he failed to persuade his hearers, he placed his arms in front of his door, saying that he had done all he could to help his country—he was already a very old man—and insisted that the other citizens should do the
3 same. Solon's appeal fell on deaf ears, and Peisistratus

seized power, and ran the state more like a private citizen than a tyrant. However, when the tyranny had not yet had time to take root the groups led by Megacles and Lycurgus combined to expel him in the Archonship of Hegesias, which was the sixth year after he first took
4 power. In the twelfth year after this Megacles was hard pressed by dissensions, and opened negotiations with Peisistratus; having agreed that Peisistratus would marry his daughter, he brought him back by a primitive and very simple trick. Having spread a rumour that Athena was bringing Peisistratus back home, he found a tall beautiful woman called Phye, whom Herodotus says came from Paiania, but others say was a Thracian flower girl from Kollytos, dressed her as Athena, and brought her into the city with Peisistratus. Peisistratus rode on a chariot with the woman beside him, and the inhabitants fell to the ground and accepted him with awe.

XV Peisistratus returned to Athens for the first time in this way. He was expelled for a second time in about the seventh year after his return; he did not keep his position for a long time, but, being afraid of both groups because he did not wish to treat Megacles' daughter as his wife,
2 retired abroad. First he joined in the foundation of a place called Rhaecelus near the Thermaic Gulf, and then moved to the area around Mt. Pangaeus. He grew wealthy there and hired mercenaries, and so came to Eretria and made his first attempt to recover the tyranny by force in the eleventh year after his expulsion. He received wide support, and in particular that of the Thebans, Lygdamis of Naxos, and the *hippeis* who con-
3 trolled affairs in Eretria. After winning the battle of Pallene, he took Athens, disarmed the people, and established his tyranny on a firm basis. He also took
4 Naxos and established Lygdamis as tyrant. He disarmed the Athenians in the following way. During a review of the people in full armour at the Theseum, he began to address the crowd, and spoke for a short while. When they said that they could not hear him, he told them to

come up to the gate of the Acropolis where he would be more audible. While he continued his speech, a group who had been specially detailed for the purpose collected the people's weapons and locked them in the buildings of the Theseum, near by; when they had finished, they
5 signalled to Peisistratus. When he had concluded his speech, he told the crowd not to be surprised or alarmed by what had happened to their weapons; they should go home and look after their private affairs—he would take care of the state.

XVI That, then, was how Peisistratus' tyranny was first established, and those were the vicissitudes it passed
2 through. As noted above, Peisistratus ran the state moderately, and constitutionally rather than as a tyrant. He was benevolent, mild and forgiving to those who did wrong, and moreover he advanced money to the bankrupt to further their work so that they could make a
3 living as farmers. He had two motives for doing this; he did not want them in the city, but scattered in the country, and if they had enough to live on, and were busy with their own affairs, they would neither want to meddle with affairs of state nor have the time to do so.
4 The working of the land increased his revenues, for he
5 took a ten per cent tax on produce. He also had the same motive for establishing the magistrates of the demes and for travelling round the country frequently, inspecting and settling disputes: it made it unnecessary for the people to come into the city and neglect their work.
6 It was on one of these circuits that there occurred the incident of the farmer on Mt. Hymettus and the land later called 'tax-exempt'. Peisistratus saw someone working an area that was all stones, and, being surprised, told his attendant to ask what the land produced. 'Aches and pains,' the farmer replied; 'Peisistratus ought to take his ten per cent of the aches and pains too.' The man made the reply not knowing that he was speaking to Peisistratus, while the latter was delighted at his frankness and industriousness, and exempted him from all taxation.

7 Peisistratus did not in general impose any heavy burdens on the people during his rule, but always preserved peace abroad and at home, with the result that it was often said that his reign was a golden age—for when his sons later took over his position their rule was much more
8 severe. The most important facet of all those discussed was that he was naturally inclined to support the common people and was benevolent. It was his aim to govern in accordance with the laws, and not to claim any superior position for himself. He was once summoned for murder before the Areopagus; he appeared in person to make his defence, but his accuser panicked and failed to
9 put in an appearance. This is why he remained in power for a long time, and when expelled recovered his position easily. He was supported by the majority of both nobles and the common people; he attracted the former by his association with them, and the latter by the assistance he gave them in their personal affairs; he was liked by
10 both. Athenian laws about tyranny were mild at the time, and in particular the law about the establishment of a tyrant, which ran as follows: 'This is the law and traditional practice of the Athenians; any man who attempts to establish, or aids in the establishment of, a tyranny shall lose his citizenship together with his family.'

XVII Peisistratus, then, grew old in office, and fell ill and died in the Archonship of Philoneos, having lived for thirty-three years since he first set himself up as tyrant, and having ruled for nineteen of those years; for the
2 remainder he was in exile. From the dates it is manifestly absurd to suggest, as some do, that Peisistratus was loved by Solon, and was general in the war against Megara for possession of Salamis; their ages make it impossible if one calculates each man's life and the date of his death.

3 After Peisistratus' death, his sons ruled, and conducted affairs in the same way. He had two sons by his citizen wife, Hippias and Hipparchus, and two by his Argive wife, Iophon and Hegesistratos, who was also called Thet-
4 talos. Peisistratus had married Timonassa, the daughter

of an Argive from Argos called Gorgilos; she had previously been married to Archinos, the Ambraciot, who was of the family of the Cypselids. This was the origin of Peisistratus' friendship with Argos; Hegesistratos brought 1,000 men to fight with him at Pallene. Some say that Peisistratus married her during his first exile, others while he was in power.

XVIII Their position and age meant that the state was run by Hipparchus and Hippias; Hippias was the older, a natural politician and a wise man, and he presided over the government. Hipparchus was fond of amusements, and interested in love affairs and the arts—he was the man who sent for Anacreon and Simonides and their
2 associates and the other poets. Thettalos was much younger, and violent and outrageous in his behaviour, which was the cause of all their troubles. He fell in love with Harmodius, and when his love was not returned, far from restraining his anger, he gave vent to it viciously; finally, when Harmodius' sister was to carry a basket in the procession at the Panathenaia, he stopped her, and insulted Harmodius as effeminate. Hence Harmodius and Aristogeiton were provoked to their plot, in which
3 many took part. At the time of the Panathenaia, when they were watching for Hippias on the Acropolis (for it so happened that he was receiving the procession while Hipparchus despatched it), they saw one of the conspirators greet Hippias in a friendly way. They thought that they were betrayed. Wishing to achieve something before they were arrested, they went down into the city, and, not waiting for their fellow conspirators, killed Hipparchus as he was organising the procession by the
4 Leokoreion; thus they spoiled the whole attempt. Harmodius was killed immediately by the guards, but Aristogeiton was captured later, and tortured for a long time. Under torture he accused many nobles who were friends of the tyrants of complicity. At first enquiries had been unable to find any trace of the plot, for the story that Hippias had disarmed those in the procession and searched them for daggers is not true, for they did

not carry weapons in the procession at that time—it was
5 a later innovation of the democracy. The democrats say that Aristogeiton accused the friends of the tyrants deliberately in order to involve them in impiety and weaken their faction if they killed their friends who were innocent; others say that he was not making it up, but
6 did reveal those who were in the plot. Finally, when, despite all his efforts, death eluded him, he promised that he would implicate many others; having persuaded Hippias to give him his hand as a pledge, he reviled him for giving his hand to the murderer of his brother. This angered Hippias so much that his fury overcame him, and he drew his dagger and killed him.

XIX After this the tyranny became much more severe; in avenging his brother, Hippias had killed or exiled many
2 people, and was distrusted and hated by all. About three years after the death of Hipparchus, Hippias tried to fortify Munichia because of his unpopularity in the city of Athens; he intended to move his residence there, but while this was going on he was expelled by Cleomenes, the Spartan king, because the Spartans were repeatedly receiving oracles instructing them to end the tyranny at
3 Athens. The reason was this. The Athenian exiles, who were led by the Alcmeonids, could not bring about their return unaided; a number of attempts failed. One of these unsuccessful attempts involved the fortification of Leipsudrion, a point over Mt. Parnes; there they were joined by some supporters from the city, but the place was besieged and taken by the tyrants. This was the origin of the well-known drinking song about the disaster which ran:

> Alas, Leipsudrion, betrayer of friends, what heroes
> you destroyed, men brave in battle and of noble
> blood; then they showed the quality of their families.

4 Having failed, then, in all other attempts, the Alcmeonids contracted to rebuild the temple at Delphi, and in this way they obtained plenty of money to secure the support of the Spartans. Whenever the Spartans consulted the oracle, the priestess instructed them to free

Athens; finally she persuaded them, although they had ties of hospitality with the Peisistratids.* The Spartans were swayed no less by the friendship between the
5 Peisistratids and the Argives. First, they sent Anchimolos with an army by sea. He was defeated and killed because Kineas the Thessalian came to the help of the Athenians with a thousand cavalry. The Spartans were angered by this, and sent their king, Cleomenes, with a larger force by land; he defeated an attempt by the Thessalian cavalry to prevent his entry into Attica, shut up Hippias inside the so-called Pelargic wall, and be-
6 seiged him with Athenian help. While he was conducting the siege, it happened that the sons of the Peisistratids were captured as they attempted to slip out of the city secretly. After their capture, the Peisistratids agreed, in return for the children's safety, to hand over the Acropolis and leave with their own property within a period of five days. This was in the Archonship of Harpaktides when they had held the tyranny for about seventeen years after the death of their father; the whole period including their father's reign had lasted forty-nine years.

CLEISTHENES

XX After the fall of the tyranny, there was a struggle between Isagoras the son of Teisander, who was a supporter of the tyrants, and Cleisthenes, who was of the family of the Alcmeonids. When Cleisthenes lost power in the political clubs, he won the support of the people
2 by promising them control of the state. The power of Isagoras waned in turn, and he called in Cleomenes again, for he had ties of friendship with him. He persuaded him to 'expel the curse', for the Alcmeonids were
3 thought to be amongst those accursed. Cleisthenes retired into exile, and Cleomenes arrived with a few men and expelled seven hundred Athenian families as being under the curse. Having done this, he tried to dissolve the *Boule* and to put Isagoras and three hundred of his

* A collective name for the sons (and descendants) of Peisistratus.

friends in control of the city. The *Boule* resisted and the people gathered; the supporters of Cleomenes and Isagoras fled to the Acropolis. The people surrounded them and besieged them for two days; on the third they let Cleomenes and all those with him go under a truce, and
4 recalled Cleisthenes and the other exiles. The people had taken control of affairs, and Cleisthenes was their leader and champion of the people, for the Alcmeonids had been the group probably most responsible for the expulsion of the tyrants and had stirred up trouble for
5 them for much of the time. Even before the Alcmeonids, Kedon had attacked the tyrants, and therefore his name also figures in the drinking songs:

> Pour a draught also for Kedon, boy, and do not
> forget him, if it is right to pour wine for brave men.

XXI The people trusted Cleisthenes for these reasons. At that time, as their leader, in the fourth year after the overthrow of the tyranny which was the Archonship of
2 Isagoras, he first divided all the citizens into ten tribes instead of the earlier four, with the aim of mixing them together so that more might share control of the state. From this arose the saying 'No investigation of tribes' as an answer to those wishing to inquire into ancestry.
3 Then he established a *Boule* of 500 instead of 400, fifty from each tribe; previously there had been 100 from each. His purpose in not splitting the people into twelve tribes was to avoid dividing them according to the *trittues* which already existed; there were twelve *trittues* in the four old tribes, and the result would not have been a
4 mixing. He divided Attica into thirty sections, using the demes as the basic unit; ten of the sections were in the city area, ten around the coast and ten inland. He called these sections *trittues*, and placed three into each tribe by lot, one from each geographical area. He made fellow demesmen of those living in each deme so that they would not reveal the new citizens by using a man's father's name, but would use his deme in addressing him. Hence the Athenians use their demes as part of
5 their names. He set up demarchs with the same functions

as the previous *naukraroi*, for the demes took the place of the *naukrariai*. Some of the demes he named after their position, others after their founders, for not all were still
6 connected with a particular locality. He left the citizens free to belong to clan groups, and phratries, and hold priesthoods in the traditional way. He gave the tribes ten eponymous heroes selected by the Delphic oracle from a preliminary list of a hundred.

XXII These changes made the constitution much more democratic than it had been under Solon. A contributory factor was that Solon's laws had fallen into disuse under the tyranny, and Cleisthenes replaced them with others with the aim of winning the people's support; these
2 included the law about ostracism. It was in the fifth year after this constitution was established in the Archonship of Hermokreon, that they formulated the oath which the *Boule* of 500 still take today. At that time they selected the *strategoi* by tribes, one from each; the Polemarch was
3 the overall commander of the army. Eleven years later, in the Archonship of Phainippos, the Athenians won the battle of Marathon. This made the democracy so confident that after a further two years had passed they first used the law of ostracism; it had been passed from a suspicion of those in power, because Peisistratus had started as leader of the people and *strategos*, and become
4 tyrant. The first to be ostracised was one of his relations, Hipparchus, the son of Charmus, of Kollytos; it was the desire to expel him which was the primary motive of Cleisthenes in proposing the law. With the customary forbearance of the democracy, the people had allowed the friends of the tyrants to continue to live in Athens with the exception of those who had committed crimes in the civil disorders; their leader and champion was
5 Hipparchus. In the year immediately following, the Archonship of Telesinos, they cast lots for the nine Archons by tribes from the five hundred previously elected by the demesmen; this first happened then after the tyranny; all their predecessors were elected. In the same year, Megacles, the son of Hippocrates, from

6 Alopeke was ostracised. For three years they ostracised the friends of the tyrants, the original purpose of ostracism, but in the fourth year they also removed anyone else who seemed to be too powerful. The first man to be ostracised who was not connected with the tyranny was Xanthippus, the son of Ariphron.

7 Two years later, in the Archonship of Nikodemos, when the mines at Maroneia were discovered and the city had a surplus of one hundred talents from their exploitation, some recommended that the money should be distributed to the people. Themistocles prevented this; he did not say for what he would use the money, but recommended that a talent should be lent to each of the hundred wealthiest Athenians. If the people approved of what it was spent on, the expenditure should be borne by the state; if not, they should recover the money from those who had borrowed it. The proposal was approved on these terms, and he had a hundred triremes built, one by each man. This was the fleet in which they fought the barbarians at Salamis. Aristides, the son of Lysimachus, was ostracised at this time.

8 Three years later, in the Archonship of Hupsichides, because of Xerxes' expedition, they recalled all those who had been ostracised; for the future they decreed that those who had been ostracised should not live nearer to Athens than Geraistus or Scyllaeum under penalty of losing their citizenship for good.

THE AREOPAGUS

XXIII Up to this point the city went on growing and developing its democracy by gradual stages, but after the Persian wars the Areopagus became strong again and ran the city, not because it was voted the position but because it had been responsible for the battle of Salamis. When the *strategoi* did not know how to handle the situation, and ordered each man to see to his own safety, the Areopagus provided each person with
2 eight drachmae and embarked them in the ships. For this reason the Athenians respected the Areopagus, and were well governed at this time. At the time they

paid attention to military training, were respected by the Greeks, and took the hegemony at sea despite the Spartans.

3 The champions of the people at this period were Aristides the son of Lysimachus and Themistocles the son of Neocles, the latter with the reputation of being an expert in military matters, the former a clever politician and an outstandingly just man; therefore they employed the one as a general and the other as a political adviser.

4 These two men worked together over the rebuilding of the walls of Athens despite their differences, but Aristides was the instigator of the defection of the Ionians from the Spartan alliance, when he seized the opportunity offered by the disgrace of the Spartans caused by the behaviour

5 of Pausanias. Hence he was the man who assessed the first list of contributions to be paid by the cities two years after the battle of Salamis, in the Archonship of Timosthenes. He also gave the oath to the Ionians 'to have the same enemies and friends', in the ratification of which they dropped the lumps of iron into the sea.

XXIV Athens' confidence increased and she built up a significant financial reserve; Aristides recommended them to seize the hegemony and to live in the city rather than the countryside; there would be a livelihood for all, some on expeditions, others on garrison duty, and others in government; in this way they would hold

2 the hegemony. The people agreed, took control, and treated their allies more tyrannically except for the peoples of Chios, Lesbos and Samos; they used them as guards of the empire, and so allowed them to retain their own constitutions and such possessions as they had.

3 The result was also affluence for the masses, as Aristides had suggested. More than twenty thousand men earned their living as a result of the tribute, the taxation and the money the empire brought in. There were six thousand *dikastai*, sixteen hundred archers, and twelve hundred cavalry, and five hundred members of the

Boule. There were five hundred guards in the docks and fifty others on the Acropolis; offices in the city occupied up to seven hundred men, and up to seven hundred were employed abroad. In addition to them, when later they were at war, there were two thousand five hundred hoplites and twenty guard ships and other ships to carry the tribute employing two thousand men selected by lot. There were also those maintained by the state at the Prutaneion or as orphans, and the guards of the prison. All these people were paid from public funds.

EPHIALTES

XXV The people were supported in this way. For about seventeen years after the Persian wars the constitution remained the same under the guidance of the Areopagus, although it was gradually deteriorating. Then, with the increase of the power of the masses, Ephialtes the son of Sophonides became champion of the people; he had a reputation for incorruptibility and justice in public life. He launched an attack on the
2 Areopagus. First, he removed many of its members on charges of administrative misconduct. Then, in the Archonship of Konon, he stripped it of all its additional powers including the guardianship of the constitution; he distributed them among the *Boule*, the *Ekklesia* and
3 the *dikasteria*. He was aided in the reforms by Themistocles, who was a member of the Areopagus, but was facing a charge of treason with Persia. Because Themistocles wanted the Areopagus to be ruined, he told Ephialtes that they were intending to arrest him, and told the Areopagus that he would lay information against certain persons who were plotting to overthrow the constitution. Then he took a group selected by the Areopagus to the place where Ephialtes was, ostensibly to show them a meeting of the conspirators, and talked with them seriously. Ephialtes was so alarmed when he saw this that he took refuge at an altar dressed in a suppliant's
4 single garment. Everyone was amazed at what happened, and there followed a meeting of the *Boule* at which

Ephialtes and Themistocles made accusations against the members of the Areopagus. They repeated these accusations before the *Ekklesia* until they succeeded in depriving them of their power. . . .* Ephialtes also died shortly afterwards, murdered by Aristodikos of Tanagra.

XXVI The Areopagus lost its supervisory powers in this way. In the years which followed, the enthusiasm of the demagogues led to an increasing absence of control in political life. It happened that at this time the better citizens were without a leader, for their principal spokesman, Cimon the son of Miltiades, was rather young and had only recently entered public life, and in addition to this the masses had been decimated in war.† Military service at that period depended on the citizen rolls, and the *strategoi* in charge were militarily inexperienced but respected for the achievements of their ancestors; the result was that two or three thousand of the men on any expedition were killed, and the better men from both the upper classes and the mass of the
2 people were decimated. In their administration the Athenians did not pay the same amount of attention to the laws as they had done in earlier periods; they made no innovation affecting the selection of the nine Archons, except that in the sixth year after the death of Ephialtes they decided to admit *zeugitai* to the preliminary selection of those from whom the nine Archons would be selected by lot. The first member of this class to be Archon was Mnesitheides; all previous Archons had been *hippeis* or *pentakosiomedimnoi*, while the *zeugitai* had held only the ordinary offices, unless any of the legal restrictions had
3 been disregarded. Four years later, in the Archonship of Lusikrates, the thirty justices were re-established who
4 were known as the magistrates of the demes. Two years

* A surprising *kai* ('and' or 'also') preserved in the papyrus suggests that a clause or sentence is missing; it may have contained an account of the death of Themistocles.

† The historical order of events is very confused here; see the Commentary.

later, in the Archonship of Antidotos, because of the large size of the citizen body, it was enacted, on the proposal of Pericles, that those whose parents were not both citizens should not themselves be citizens.

XXVII After this, Pericles became one of the leaders of the people, first becoming famous when he was a young man and prosecuted Cimon at his *euthuna* as *strategos*. With Pericles, the state became still more democratic; he deprived the Areopagus of some of its powers and turned the state particularly towards naval power, with the result that the masses had the courage to take more into
2 their own hands in all fields of government. Forty-eight years after the battle of Salamis, in the Archonship of Puthodoros, the Peloponnesian War broke out; during this the citizens were shut up inside the city walls, and grew accustomed to earn their living by military service, and decided, partly consciously and partly through the force of circumstances, to run the state themselves.
3 Pericles introduced pay for those serving in the *dikasteria* as a political move to counter the effects of Cimon's wealth. Cimon possessed a kingly fortune, and not merely performed his public liturgies magnificently but also maintained many of the members of his deme, for any member of the deme of Lakiadai who wished could come to him every day and receive adequate maintenance, and all his estates were unfenced so that anyone who wished could help himself to the fruit.
4 Pericles' wealth was not adequate to match such liberality, and Damonides of Oia, who was thought to have suggested most of Pericles' measures, and was later ostracised for this very reason, suggested to him that since he could not match Cimon in private resources, he should give the people what was their own; Pericles accepted his advice, and arranged pay for the *dikastai*. Some say that the quality of *dikastai* declined, since it was always the ordinary people rather than the more respectable who took care to ensure that their names
5 were included in the ballot for places on the juries. This was also the beginning of corruption of the *dikastai*, the

first instance being Anytus after he was *strategos* at Pylos; he had been accused over the loss of Pylos, but bribed the court and was acquitted.

XXVIII Throughout the period of Pericles' ascendancy the state was run reasonably well, but after his death there was a marked decline. It was then that the people first got a leader who was not approved by the respectable citizens; before this the leaders had always come from this
2 class. The first leader of the people was Solon, and he was followed by Peisistratus, both of them aristocrats of good family. After the fall of the tyranny there was Cleisthenes, an Alcmeonid, and he had no opponent after the expulsion of Isagoras and his supporters. Then Xanthippus was the leader of the people and Miltiades leader of the aristocrats; then came Themistocles and Aristides. After them, Ephialtes led the people and Cimon the wealthier classes; then Pericles led the people while Thucydides, a relative by marriage of Cimon, led
3 the other group. After the death of Pericles, Nicias, who died in Sicily, was the leader of the upper classes, while Cleon the son of Cleainetus led the people. The latter appears to have corrupted the people more than anyone else by his violence; he was the first to shout when addressing the people, he used abusive language, and addressed the *Ekklesia* with his garments tucked up when it was customary to speak properly dressed. After them, Theramenes the son of Hagnon was leader of the other group, while the leader of the people was Cleophon the lyre-maker who introduced the two-obol payment. This was paid for some time and then was abolished by Kallikrates of Paiania; he first promised to add a third obol to the distribution. Both these last two politicians were later condemned to death, for, even if the people are deceived for a while, they tend later to hate those who have induced them to follow an unsuitable course of
4 action. After Cleophon there was an unbroken series of demagogues whose main aim was to be outrageous and please the people with no thought for anything but the present.

5 The best leaders in Athens after the early period seem to have been Nicias, Thucydides and Theramenes. Almost everyone agrees that Nicias and Thucydides were not only true gentlemen and good politicians, but also that they looked after the city like fathers. There is some dispute about Theramenes because he happened to live at a time of political turmoil. If one avoids a superficial judgement, he does not appear to have destroyed all constitutions, as hostile assessments suggest, but to have supported all so long as they did nothing illegal; he was capable of taking part in politics under all forms of government—the mark of a good citizen—but refused to support and hated regimes which disregarded the law.

THE FOUR HUNDRED

XXIX To resume, as long as the fortunes of war were reasonably evenly balanced, the democracy was preserved, but when after the disaster in Sicily the Spartan side gained a considerable advantage because of their alliance with the king of Persia, the Athenians were forced to change their democracy into the regime of the Four Hundred. Melobios delivered the speech introducing the resolution, and Puthodoros of the deme Anaphlustos drafted the motion. The decisive consideration in winning over the majority of the people was the belief that the king of Persia would be more likely to make a military alliance with them if their government was
2 oligarchic. The decree of Puthodoros ran as follows: the people should choose another twenty men from those over forty years of age to join the emergency committee of ten already in existence; they should take an oath to formulate such measures as were in the best interests of the state, and should make proposals for its safety; anybody else was at liberty to make proposals so that
3 they might select the best of all the suggestions. Kleitophon added a rider to the proposal of Puthodoros, to the effect that those chosen should search out the traditional laws passed by Cleisthenes when he established the democracy, in order that they might assist their delibera-

tions; the reasoning was that Cleisthenes' constitution was not democratic but similar to that of Solon.

4 The first proposal of the committee when selected was that it should be obligatory for the Prytanies to put to the vote all proposals which related to the safety of the state; then they suspended the statute of indictment for illegal proposals and all impeachments and summonses so that any Athenian who wished could make proposals about what was being discussed. If anyone punished, summonsed or brought before a court anyone for doing so, he should immediately be indicted and brought before the *strategoi*, and they should hand him over to the Eleven for execution.

5 After these preliminaries, they laid down the following principles: all money accruing to the state was to be spent on the war and nothing else; nobody was to receive pay for any office for the duration of the war except the nine Archons and the Prytanies of the period, who should receive three obols each per day. The rest of the administration for the duration of the war should be put in the hands of those Athenians best qualified in person and property to serve the state, up to a total of not less than five thousand. They should have the power to make treaties with whomsoever they wished. The people should elect ten men from each tribe over forty years old who should in their turn select the five thousand under an oath taken on unblemished sacrificial victims.

XXX These were the proposals which the chosen committee put forward. When they had been passed, the Five Thousand chose a hundred of their own members to draw up the constitution. The proposals which were

2 drafted and put forward by them ran as follows. The *Boule* is to consist of men over thirty years of age on a yearly basis without pay. From their number should come the *strategoi*, the nine Archons, the *hieromnemon*, the commanders of the tribal hoplite and cavalry units, the cavalry commanders and the commanders of garrisons, as also the ten Treasurers of the treasury of Athena and the other gods, the twenty *Hellenotamiai*, who were also

to take charge of all the other sacred funds, ten in charge of sacrifices and ten overseers. All these officials should be chosen from a larger group elected from the *Boule* in office at the time. All other offices should be filled by lot by men not members of the *Boule*; the *Hellenotamiai* who actually handled the finances should not sit in the *Boule*.

3 Four *Boulai* should be established for the future from the specified age group, and one section, selected by lot, should act as the *Boule*; the other citizens should be allocated among the sections. The hundred on the drafting committee should divide themselves and the others as equally as possible into four sections, cast lots between the sections, and the term of office of a *Boule*

4 should be one year. The members of the *Boule* were to take whatever decisions seemed best to them both to ensure the preservation of Athens' financial resources and their use for necessary purposes, and in other fields. If they wished to discuss a matter with a wider group, each member could call in an associate of his own choosing from the same age-group. The *Boule* should meet once every five days unless more frequent meetings were

5 felt to be necessary. The nine Archons were to handle the drawing of lots for the *Boule*, while five men selected by lot from the *Boule* should count votes, and one man should be selected by lot from them each day to put motions to the vote. The five selected by lot should also cast lots among those who wished to address the *Boule* in the following order of precedence: first priests, second heralds, third embassies, fourth any other persons. The *strategoi* should have the right of addressing the *Boule* on matters of war without having to draw lots for prece-

6 dence. A member of the *Boule* who failed to attend at the Bouleuterion at the appointed hour was to be fined a drachma per day's absence unless he had obtained permission to be away from the *Boule*.

XXXI They drafted the above constitution for the future, and put forward the following interim proposals. There should be a *Boule* of four hundred according to tradition, forty from each tribe to be chosen from a group previous-

ly elected by their fellow tribesmen from those over thirty years old. The *Boule* was to appoint the office-holders and draft the oath which they were to take, and take such measures as seemed beneficial about the laws, the
2 *euthunai* and other matters. They were to observe such laws as might be passed in the constitutional field, and might not change them or enact others. The *strategoi* for the moment were to be selected from all the Five Thousand; when the *Boule* had been established and had held an inspection in full armour, it was to select ten men as *strategoi* and a clerk for them, and those selected were to hold office for the following year with full powers, and
3 consult the *Boule* if they needed to. They were to choose one cavalry commander and ten commanders of the tribal cavalry units; in the future the *Boule* were to choose these officers according to the proposals. Neither they nor anyone else might hold any other office more than once except for membership of the *Boule* or being a *strategos*. For the future, the hundred men are to allot the Four Hundred among the four sections so that they may take part when the citizens join the rest in membership of the *Boule*.*

XXXII The hundred men chosen by the Five Thousand drafted these proposals. When they were enacted by the main body under the presidency of Aristomachos, the *Boule* of the year of Kallias' Archonship was dissolved on the fourteenth day of Thargelion before finishing its year of office, and the Four Hundred took office on the twenty-second of the same month. The democratically selected *Boule* for the next year ought to have taken office
2 on the fourteenth of Skirophorion. So the oligarchy was established in the Archonship of Kallias, about a hundred years after the expulsion of the tyrants; the main instigators of it were Peisander, Antiphon and Theramenes, who were well born and had the reputation of being out-
3 standing in intelligence and judgement. When this consitution was established, the Five Thousand were only nominally chosen; the Four Hundred, together with the

* The sentence is obscure, and may be corrupt.

ten *strategoi* with full powers, entered the Bouleuterion and ruled the city. They sent a proposal of peace to the Spartans on the basis that each side should retain what it held. When the Spartans refused unless Athens surrendered her maritime power, they abandoned the proposal.

XXXIII The constitution of the Four Hundred lasted about four months, and Mnasilochos of their number was Archon for two months in the Archonship of Theopompos, who was Archon for the remaining ten months. When the Athenians were defeated in the sea battle near Eretria and the whole of Euboea revolted except for Oreus, they were more incensed by the disaster than any previous defeat, for Euboea was of more service to them than Attica at the time; they therefore overthrew the Four Hundred, and handed over the conduct of affairs to the Five Thousand who provided their own armour, passing a decree that there should be no pay for office.

2 Those most responsible for the overthrow were Aristokrates and Theramenes; they did not agree with what was being done by the Four Hundred, for they decided everything themselves, and referred nothing to the Five Thousand. The constitution at this time appears to have been a good one, for they were at war, and power belonged to those who provided their own armour.

DEMOCRACY RESTORED

XXXIV The people shortly overthrew the Five Thousand. In the seventh year after the overthrow of the Four Hundred, which was the Archonship of Kallias from Angele, the battle at Arginusae was fought. Thereafter, first the ten *strategoi* who won the battle were all condemned by a single vote, although some had not been present at the battle and others had been rescued by other ships; the people had been misled by those who were enraged by what had happened. Then, when the Spartans were willing to surrender Decelea and make peace on the basis of the status quo, some were in favour, but the people rejected the proposal; they were deceived by

Cleophon who came into the *Ekklesia* drunk and wearing his breastplate, and prevented peace being made. He said he would not permit it unless the Spartans
2 surrendered all the cities they had taken. Their mistake was brought home to them shortly afterwards; in the next year, the Archonship of Alexias, they lost the battle of Aegospotami, as a result of which Lysander became master of the city and established the Thirty in the
3 following way. The peace terms specified that the Athenians should be governed by their ancestral constitution; on this basis the democrats tried to preserve the democracy, while the nobles who belonged to the political clubs and the exiles who had returned after the peace wanted an oligarchy. Those who did not belong to any political club, but were in other respects admirable citizens aimed at establishing the ancestral constitution; among them were Archinos, Anytus, Kleitophon, Phormisios and many others, and their leader was Theramenes. Lysander sided with the oligarchs, overawed the people, and forced them to vote an oligarchy into power on the proposal of Dracontides of Aphidna.

THE THIRTY AND THE TEN

XXXV So the Thirty were established in the Archonship of Puthodoros. When they had secured their power in the city, they disregarded the proposals which had been passed about the constitution except for appointing five hundred members of the *Boule* and the other magistrates from a group previously elected from the thousand,* and choosing ten colleagues to govern the Peiraeus, eleven guards for the prison and three hundred whip-bearers as their attendants; in this way they controlled the city.
2 At first they behaved with restraint towards the citizens, and pretended to be aiming at the ancestral constitution; they took down from the Areopagus the laws of Ephialtes and Archestratos about the members of that body, repealed disputed laws of Solon, and abolished the power of the *dikastai*; they claimed to be correcting the

* Perhaps corrupt; see Commentary.

constitution and removing ambiguities. For example, they made it legal for a man to leave his property to anyone he wished without restraint, abolishing the irritating provisos 'unless he be of unsound mind, incapacitated by age, or under the influence of a woman'; their aim was to eliminate opportunities for informers.

3 They made other similar reforms. They carried these measures at an early stage, and they got rid of the informers and the wicked mischief-makers who flattered the people to their disadvantage. The people were delighted, thinking they made these changes for the best of motives.

4 When the Thirty had tightened their grip on the city, there was no type of citizen they did not attack. They killed those remarkable for wealth, family or reputation, aiming to remove any potential threat and to lay their hands on their property. After a short time they had killed no less than fifteen hundred men.

XXXVI The city was being undermined in this way, and Theramenes was angry at what was happening; he urged the Thirty to stop behaving so outrageously, and to give the best citizens a share in government. They opposed him at first, but when stories of Theramenes' proposals leaked out, and the people supported him, they were afraid that he might become the people's champion and overthrow their regime; they therefore compiled a list of three thousand citizens who were to receive a share

2 in the government. Theramenes attacked this move too, firstly because in aiming to share power with the respectable element they restricted it to three thousand as if virtue were restricted to a body of this size, and secondly on the grounds that they were attempting two totally conflicting things, to base their regime on force and yet create a regime weaker than those it ruled. The Thirty disregarded these criticisms, but postponed publication of the list of the Three Thousand for a long time, and kept the names of those who had been chosen secret; when they did decide to publish it, they cut out some who had been included and included others who had not been on the original list.

XXXVII When it was already winter, the Thirty led a military expedition against Thrasybulus and the exiles who had seized Phyle, and were defeated; they therefore decided to disarm the citizens and kill Theramenes. This they achieved by laying two laws before the *Boule* and ordering their approval. The first gave the Thirty full power to execute any citizen whose name was not included on the list of the Three Thousand. The second deprived of all rights under the present constitution anyone who had taken part in the destruction of the fort at Eëtioneia or had acted in any way in opposition to the Four Hundred who had established the previous oligarchy. Theramenes had done both, with the result that when the laws were passed he lost his citizen rights, and the Thirty had the
2 power to execute him. After Theramenes had been executed, they disarmed all except the Three Thousand, and the savagery and wickedness of their regime increased considerably. They sent an embassy to Sparta which specified charges against Theramenes and asked for help; the Spartans sent Kallibios as harmost, and about seven hundred men who garrisoned the Acropolis.

XXXVIII The exiles from Phyle then seized Munichia, and defeated an attempt by the Thirty and their adherents to dislodge them. The men from the city returned after the battle, met in the Agora the next day, and deposed the Thirty and elected ten citizens with full powers to bring the war to an end. After taking office, they did nothing to further the purpose for which they had been chosen, but sent to Sparta for help and to borrow money.
2 Those who had full citizen rights were angry at this, and the Ten were afraid that they might be overthrown; therefore, with the aim of terrifying the people (in which they were successful), they seized one of the most outstanding citizens, called Demaretos, and executed him. The result was that they had firm control of affairs with the backing of Kallibios and the Spartan garrison and also that of a number of the Athenian *hippeis*, for some of them were particularly keen that the exiles from Phyle should not return to Athens.

DEMOCRACY FINALLY RESTORED

3 The group which held the Peiraeus and Munichia gradually gained the upper hand in the war as the whole people went over to their side, and so the men in the city deposed the Ten who had first been elected, and chose another ten men with the reputation of being outstanding citizens; it was under them that the reconciliation was arranged and the democracy returned, and they worked enthusiastically to this end. Their main leaders were Rhinon of Paiania and Phaullos of Acherdos; they were negotiating with the men in the Peiraeus before Pausanias arrived, and after he had come joined in supporting
4 the return of the exiles. The peace and the end of the hostilities was brought about by Pausanias, the Spartan king and the ten mediators who later came from Sparta at his request. Rhinon and his friends were commended for their goodwill towards the democracy, and, although they had taken office under an oligarchy, they underwent their *euthuna* under a democracy; however, nobody brought a single complaint against them—neither the men who had stayed in the city nor those who had returned from the Peiraeus. On the contrary, because of what he had done Rhinon was immediately elected *strategos*.

XXXIX The reconciliation was brought about in the Archonship of Eukleides on the following terms. Those of the Athenians who had remained in the city and wished to leave should live in Eleusis, where they should retain full citizen rights, have complete self-government and enjoy
2 their incomes. The temple was to be common to both sides, under the traditional control of the Kerukes and the Eumolpidai. Those living at Eleusis were not allowed to visit the city of Athens, nor were those living in Athens allowed to visit Eleusis, with the exception for both sides of the celebration of the Mysteries. The people at Eleusis were to contribute to a defence fund from their revenues
3 like the other Athenians. If any of those leaving the city took over a house at Eleusis, they were to do it with the

agreement of the owner; if agreement proved impossible, each was to select three assessors, and the owner was to accept the price they fixed. Any inhabitants of Eleusis acceptable to the new settlers were to live with them
4 there. Those wishing to move out to Eleusis had to register within ten days of the swearing of the reconciliation oaths if they were in the city at the time, and move out within twenty; those abroad at the time had the same periods from the moment when they returned to
5 Athens. Nobody living at Eleusis could hold any office in the city of Athens until he had been registered as having moved his residence back to the city. Homicide trials in cases where someone had killed or wounded a person with his own hands were to be conducted in
6 accordance with traditional practice. There was to be a total amnesty covering everyone except the Thirty, the Eleven and the ten governors of the Peiraeus;* even they were to be immune from prosecution once they had submitted to the *euthuna*. The *euthuna* for the governors of the Peiraeus was to be held before the citizens of the Peiraeus, while those who had held office in the city were to appear before citizens with taxable property there. On this basis those who wished to could leave the city. Each side was to repay separately the money which it had borrowed for the war.

XL After the conclusion of a settlement along these lines, those who had fought with the Thirty were afraid, and many intended to move out of the city, but put off registration until the last moment, as men always do. Archinos saw the number involved, and cancelled the remaining days for registration because he wished to keep them in the city; many were compelled to remain, much against their will until they recovered their con-
2 fidence. This was a sound move by Archinos, as was his later indictment of Thrasybulus for illegal proposals

* The sentence has been emended in the light of the difficulty of maintaining the existence of two boards of ten; the unemended text runs: 'the Thirty, the Ten, the Eleven and the Governors of the Peiraeus'; see Commentary.

when the latter tried to give citizenship to all who had had a part in the return from the Peiraeus although some were manifestly slaves. A third good move was when he seized one of the returned exiles who was attempting to disregard the amnesty, brought him before the *Boule*, and persuaded them to execute him without trial. He argued that their actions would show whether they intended to preserve the democracy and stand by their oaths: if they let the man go, they would encourage others, while if they executed him, they would establish an example for all. This is just what happened, for after his execution nobody ever again tried to flout the
3 amnesty. The Athenians appear to have handled their affairs, both private and public, as well and with as much statesmanship as any people ever have shown in a similar situation. They not only refused to entertain any charges based on previous events, but they also repaid as a state the money which the Thirty had borrowed from the Spartans for the war, although the agreement had specified that the men of the city and those of the Peiraeus should repay their debts separately; they felt that this ought to be the first step in restoring unity and concord in the state. In other states the democrats, far from making contributions themselves in similar circum-
4 stances, redistribute the land. Athens was reunited with Eleusis in the third year after the oligarchs moved there, in the Archonship of Xenainetos.

XLI That final reconciliation happened subsequently. When the people regained power they established the constitution which is still in force, in the Archonship of Puthodoros. . . .* It was just that the people should take control because they had secured their return by their
2 own efforts. This was the eleventh change of constitution. The first was the modification of the original constitution when Ion and those with him came to Athens; it was then that the Athenians were first divided into the four tribes and established the tribe kings. The second change, the first after this which had the status of

* There must be something missing here; see Commentary.

a constitution, was under Theseus, and moved the state a little away from absolute monarchy. After this came the constitution of the time of Draco, under which the Athenians first had written laws. The third change after the period of dissension came under Solon; it sowed the seeds of democracy. The fourth was the tyranny under Peisistratus. The fifth, after the fall of the tyranny, was the constitution of Cleisthenes, which was more democratic than that of Solon. The sixth came after the Persian wars, when the Areopagus had over-all control. For the seventh, which followed this one, Aristides showed the way, but Ephialtes brought it to completion by depriving the Areopagus of power. Under this constitution the city made innumerable mistakes under the guidance of the demagogues because of their control of the sea. The eighth was the establishment of the Four Hundred, while the ninth followed it with the return of the democracy. The tenth was the tyranny of the Thirty and the Ten. The eleventh came after the return from Phyle and the Peiraeus; it has lasted to the present day with ever-increasing power being assumed by the people. They have made themselves supreme in all fields; they run everything by decrees of the *Ekklesia* and by decisions of the *dikasteria* in which the people are supreme. For the judicial powers of the *Boule* have passed to the people, which seems a correct development, for a small number are more open to corruption by bribery or favours than a large.

3 At first the Athenians declined to institute pay for attendance at the *Ekklesia*. When attendance was poor, and the Prytanies had tried many devices to encourage citizens to come so that the people might ratify proposals by their vote, payment of one obol was instituted as a first move on the proposal of Agurrhios; Herakleides of Clazomenae, who was called 'the king', raised it to two obols, and Agurrhios made it three.

THE PRESENT CONSTITUTION

XLII The constitution of the present day is as follows. Full citizenship belongs to men both of whose parents were

citizens, and they are inscribed on the list with their fellow demesmen when they are eighteen years old. When they are being registered, the members of the deme vote under oath first on whether they appear to have reached the legal age, and if they do not, they are returned to the status of children, and secondly on whether a man is free and born as the laws prescribe. If they decide that he is not free, he appeals to the *dikasterion*, while the demesmen select five of their number as accusers; if it is decided that he has no right to be registered as a citizen, the city sells him into slavery, but if he wins his case, the demesmen are required to
2 register him. Then the *Boule* reviews those who have been registered, and if it is decided that a man is younger than eighteen, the demesmen who registered him are fined. When the Ephebes have been approved, their fathers meet by tribes and choose under oath three members of the tribe over forty years old whom they consider best and most suitable to take charge of the Ephebes, and from them the people elect one for each tribe as guardian, and they elect a controller from the
3 rest of the citizen body for all of them. These men take the Ephebes, and after visiting the temples they go to the Peiraeus and take up guard duties, some at Munichia and others at Akte. The people also elect two trainers for them, and two men to teach them to fight in armour, and to use the bow, the javelin and the catapult. The guardians receive a drachma each for their maintenance, and the Ephebes four obols. Each guardian receives the allowances for the members of his tribe and buys what is necessary for them all centrally (for they live together by tribes), and takes care of everything else for them.
4 This is how they spend the first year of their training. At the beginning of the second, at a meeting of the *Ekklesia* held in the theatre, they demonstrate to the people their knowledge of warfare, and receive a shield and spear from the city. For the year thereafter they patrol the
5 countryside and man the guard posts. For their two years service they wear the military cloak, and are exempt from all duties. They cannot prosecute or be

prosecuted so that there may be no reason for their leaving their post; the only exception is to deal with matters of inheritance or an *epikleros*, or to take up a priesthood hereditary in a man's family. After this two years, they join the main citizen body.

XLIII That is how citizens are registered and Ephebes trained. The holders of all routine offices in the state are selected by lot except for the treasurer of the military funds, the controllers of the Theoric Fund and the supervisor of the water supply. These are elected, and hold office from one Panathenaic festival to the next. All military officials are also elected.

2 The *Boule* of 500 members is selected by lot, 50 from each tribe. Each tribe acts as Prytany in an order decided by lot, the first four for thirty-six days each, the last six for thirty-five, for they work by a lunar year.

3 The Prytanies eat together in the Tholos at the city's expense, and summon meetings of the *Boule* and *Ekklesia*; the *Boule* meets every day except for holidays, the *Ekklesia* four times in every prytany. They publish the

4 agenda and place for each meeting of the *Boule*, and also draw up the agenda for the *Ekklesia*. In each prytany the *Ekklesia* meets for one plenary session, in which there must be a vote on whether all office-holders have performed their duties well; there must also be discussions of the corn supply and the safety of Attica; those who wish to bring impeachments do so at this meeting, lists of confiscated property are read out, and also claims to inheritances and to marry *epikleroi*, so that nobody

5 may be ignorant of any unclaimed estates. In the sixth prytany, in addition to the business already discussed, they put to the vote the question of whether an ostracism should be held, and hear accusations against informers, whether Athenians or metics (with a limit of three of each), and allegations against anyone who has

6 failed to fulfil an undertaking made to the city. The second meeting must hear petitioners, and anyone who wishes may appear as a suppliant on any subject he chooses, private or public, and address the people on it.

The other two meetings deal with other matters, amongst which the law prescribes the consideration of three motions about sacred matters, three concerning heralds and embassies, and three about secular matters. On occasions they also consider matters without a preliminary vote. Heralds and ambassadors report to the Prytanies first, and despatches are delivered to them.

XLIV One man is picked as chairman of the Prytanies by lot, and holds office for a night and a day; he cannot preside for longer, nor can the same man serve twice. He holds the keys of the sanctuaries where the treasure and the public records are kept; he holds the city's seal, and must remain in the Tholos with one third of the Prytanies
2 selected by him. When the Prytanies summon a meeting of the *Boule* or *Ekklesia*, he casts lots for nine chairmen, one from each tribe except the one supplying the Prytany; he casts lots again among the nine for the man who will actually preside, and he hands over the agenda
3 to them. The nine take over, and are responsible for good order, put forward topics for discussion, assess the voting, and control everything else. They also have the right to adjourn the meeting. An individual may not preside at a meeting more than once in a year, nor be one of the nine chairmen more than once in each prytany.

4 They elect *strategoi*, cavalry commanders and other military officers in the *Ekklesia* in accordance with the will of the people; the elections are held on the first meeting after the sixth prytany when the omens are favourable. There must also be a preliminary resolution to hold the elections.

XLV In former times the *Boule* had powers of punishment by fine, imprisonment or execution. Once when the *Boule* had handed Lusimachos over to the public executioner and he was already sitting waiting for the sentence to be carried out, Eumelides of Alopeke saved him, saying that no citizen ought to be executed without

a vote of the *dikasterion*. When the *dikasterion* heard the case, Lusimachos was acquitted and was nicknamed 'the man who escaped the rod'. The people deprived the *Boule* of all powers of fine, imprisonment or execution, and passed a law that if the *Boule* condemned a man or punished him, the *Thesmothetai* were to bring the condemnations or punishments before the *dikasterion* and their decision should be final.

2 The *Boule* conducts the investigations into the conduct of the great majority of the magistrates, particularly those who handle money; their decision is not final, but subject to appeal to the *dikasterion*. Private citizens can bring a charge of acting illegally against any office-holder they wish; he has a right of appeal to the *dikaster-*
3 *ion* if condemned by the *Boule*. It also considers the credentials of the following year's *Boule* and of the nine Archons; in the past, their decision was final, but now there is a right of appeal to the *dikasterion* for those disqualified.

4 In these matters, then, the *Boule* does not have the final decision, but it holds a preliminary discussion on everything that is to come before the people, nor can the people vote on anything that has not been previously discussed by them and put on the agenda by the Prytanies. Anyone who violates this law is liable to a prosecution for an illegal proposal.

XLVI The *Boule* is in charge of the completed triremes, the tackle stores and the ship sheds, and builds new triremes or quadriremes, whichever the people vote to construct, and tackle and ship sheds for them, but the people elect the naval architects for the ships. If the *Boule* do not hand them over to the new *Boule* completed, they cannot receive the usual reward, for they receive the reward under the next *Boule*. The triremes are constructed under the supervision of a board of ten members of the *Boule*.

2 The *Boule* inspects all public buildings, and if it decides that someone has committed an offence, it reports him to the people, and hands him over to the *dikasterion* if they find him guilty.

XLVII The *Boule* also joins the other magistrates in most areas of the administration. First, there are ten Treasurers of Athena, one picked by lot from each tribe; in accordance with Solon's law (which is still in force) they must be *pentakosiomedimnoi*, but the man picked by lot holds office even if he is very poor. These officers take over in front of the *Boule* the image of Athena and the Victories, and the other ceremonial equipment and the money.

2 Then there are the ten *poletai* picked by lot, one from each tribe. They let out all the public contracts, sell the right to work the mines, and let the rights of collecting taxes with the treasurer of military affairs and those in charge of the Theoric Fund; this is done in front of the *Boule*. They confirm the position of anyone elected by the *Boule*, and matters concerning mining leases which have been sold, both those where rights of exploitation have been sold for a period of three years and those where special agreements cover a period of ten years. They sell the property of those exiled by the Areopagus and of other exiles before the *Boule*, and the nine Archons confirm the transaction. They list on whitened boards taxes sold for a period of a year with the name of the buyer

3 and the price. They hand the boards over to the *Boule*. They list separately on ten boards those who have to pay their instalments every prytany, on three boards those who have to pay three times a year, and on a separate list those who pay once a year in the ninth prytany. They also list the properties and houses confiscated and sold in the *dikasterion*, for they are responsible for their sale. The price of a house must be paid in five years, of land in ten; these payments are made in the ninth prytany.

4 The King Archon produces a list of the leases of the sacred estates on whitened boards; they are leased for a period of ten years, and the rent is payable in the ninth prytany. For this reason a great deal of money is collected

5 in this prytany. Lists of the payments due are deposited with the *Boule*, and the state secretary keeps them; when a payment is due, he takes from the pigeon holes the list of those whose payments are due on this particular day, and whose entry must be cancelled after payment,

and hands it over to the Receivers; the other lists are stored separately so that nothing may be prematurely cancelled.

XLVIII There are ten Receivers, one picked by lot per tribe; they take the lists, and in front of the *Boule* in its chamber erase the record of the money that has been paid, and return the records to the state secretary. If anyone fails to pay an instalment, his name is recorded there, and he has to pay double the arrears under penalty of imprisonment. The *Boule* has the legal right to exact the money
2 or imprison the defaulter. On one day they receive all the payments and divide the money among the magistrates, and on the next they bring a record of their actions on a board and read it out in the chamber. They also pose the question in the *Boule* whether anyone knows of any malpractice by a magistrate or a private citizen in the division; if anyone is suspected, there is a vote on the case.

3 The members of the *Boule* select ten of their number by lot as auditors to check the accounts of the magistrates
4 every prytany. They also select by lot one man from each tribe for the *euthuna* and two assistants for each of them. They are required to sit each market-day* by the statue of the eponymous hero of their tribe, and if anyone wishes to bring a charge, whether of public misdemeanour or private malfeasance, against any of those who have undergone the *euthuna* in the *dikasterion* within three days of that hearing, he records on a whitened board the names of the accuser and the defendant, the charge, and the fine which he considers suitable, and
5 hands it to the representative of his tribe. The latter takes it and reads it, and if he considers the charge justified, he hands a private suit to the deme justices who prepare cases for the relevant tribe for the courts, while if it is a public offence, he reports the matter to the *Thesmothetai*. If the *Thesmothetai* take it over, they reopen the examination

* The word translated as 'market-day' may not be the correct restoration of a damaged part of the papyrus, but no convincing alternative has yet been suggested.

of this man before the *dikasterion*, and the decision of the jury is final.

XLIX The *Boule* also reviews the horses, and if a man appears to have a good horse but to be maintaining it badly, deprives him of his maintenance allowance. Horses which cannot keep up, or will not remain in line but run away, are branded with a wheel on the jaw, and are disqualified. They also review the mounted skirmishers to find who seem to be suitable for this, and anyone they vote against loses his horse. They also review the infantry attached to the cavalry, and anyone voted
2 against loses his pay. The cavalry are enrolled by a board of ten elected by the people for this purpose; the names of those enrolled are handed to the cavalry commanders and the commanders of the tribal cavalry units who receive the list and bring it before the *Boule*. They open the document in which the names of the cavalrymen are recorded, and erase the names of those previously enrolled who swear that they are prevented by physical disability from serving as cavalry. Then they call those newly enrolled, and if anyone swears that he is physically or financially incapable of serving, they dismiss him. Those who do not take this oath are subject to a vote by the *Boule* as to their suitability for cavalry service; if they are approved, they are enrolled, if not they are dismissed.

3 The *Boule* used to take decisions about the models and the robe, but this is now done by a *dikasterion* selected by lot, for it was felt that the *Boule* was swayed by personal feelings. The *Boule* joins the treasurer of military affairs in supervising the making of the statues of Victory and the prizes for the Panathenaia.

4 The *Boule* also reviews the incapable; for there is a law that anyone with property of less than three minae who suffers from a physical disability which prevents his undertaking any employment should come before the *Boule*, and if his claim is approved he should receive two obols a day subsistence from public funds. There is a treasurer selected by lot to handle this.

5 The *Boule* also cooperates with the other magistrates in most of what they do.

L Those then are the areas of administration handled by the *Boule*.

A board of ten are also selected by lot to take care of the sanctuaries; they are given thirty minae by the Receivers, and repair the temples most in need of
2 attention. There are ten city commissioners, of whom five hold office in the Peiraeus and five in the city itself. They see that the girls who play the flute, the harp or the lyre are not hired for more than two drachmae; if more than one man wishes to hire the same performer, they cast lots, and allocate her to the winner. They ensure that the dung collectors do not deposit dung within ten stades of the walls, and see that no building either obstructs or has balconies overhanging the streets; they also prevent the construction of waste pipes with outfalls from above into the street, or windows with shutters opening into the road. With assistants provided by the state, they remove the corpses of those who die in the streets.

LI Ten superintendents of the markets are selected by lot, five for the Peiraeus and five for the city. They are required by law to supervise goods for sale to ensure that
2 merchandise is pure and unadulterated. Ten inspectors of weights and measures are similarly selected, five for the city and five for the Peiraeus to ensure that honest
3 weights and measures are used by those who are selling. There used to be ten commissioners in charge of the corn supply, picked by lot, of whom five were allocated to the Peiraeus and five to the city, but there are now twenty for the city and fifteen for the Peiraeus. They ensure first that there is no sharp practice in the selling of unprepared corn in the market, secondly that the millers should sell their barley flour at a price corresponding to that of unmilled barley, and thirdly that the bakers should sell loaves at a price corresponding to the price of wheat, and containing the full weight which the

commissioners have laid down as the law requires them
4 to do. They also pick by lot ten commissioners of trade to supervise trading and ensure that two-thirds of the corn imported is brought to the city.

LII The Eleven whose duty it is to take care of prisoners are selected by lot. They execute thieves, kidnappers and brigands who confess their guilt, while if they deny the charge, they bring them before the *dikasterion*, and if they are acquitted let them go, and if not put them to death after their trial. They report to the *dikasterion* land and houses listed as belonging to the city, and hand over to the *poletai* any that is judged to be public property. It is also part of their duties to bring summary indictments before the *dikasterion*, though the *Thesmothetai* also introduce some similar indictments.

2 Five men are picked by lot to introduce cases which are to be settled within a month, each of whom covers two tribes. Cases falling in this category include failure to pay a dowry which is owed, failure to repay a loan made at an interest of a drachma per mina, or a loan of capital made to finance the opening of a business in the market; prosecutions for assault, cases involving friendly loans, cooperative ventures, slaves, animals, trierarchies
3 and banking matters. These officials introduce within the month cases of these classes, while the Receivers handle cases involving tax-farming, with the power to make a final decision in cases up to ten drachmae; they refer the remainder to the *dikasterion* for settlement within the month.

LIII The Forty are picked by lot, four from each tribe, and other suits are brought before them. They used to be a board of thirty, and travel round the demes to try cases, but after the tyranny of the Thirty their numbers were
2 increased to forty. They can make the final decision in cases involving up to ten drachmae, but anything above that they hand over to the Arbitrators. These officials then take the case, and if they cannot bring about a settlement, give a decision; if the decision satisfies both

sides and they accept it, the case is ended. If one party appeals to the *dikasterion*, the Arbitrators place the depositions, the challenges and the relevant laws in boxes, one for each side in the case, seal the boxes, add the decision of the Arbitrator written on a tablet, and hand everything over to the four members of the Forty who handle
3 the cases of the tribe of the defendant. They take them over, and bring the case before the *dikasterion*, cases of less than 1,000 drachmae before a jury of 201 members, those over 1,000 before 401 jurors. At the hearing it is forbidden to use laws, challenges or depositions other than those used in front of the Arbitrator and sealed in
4 the boxes. The Arbitrators are men in their sixtieth year; their age is known from the Archons and the eponymous heroes. There are ten eponymous heroes for the tribes, and forty-two for the age-groups; the Ephebes' names are recorded together with the Archon under whom they were enrolled and the eponymous hero of the previous year's Arbitrators; this used to be done on whitened boards, but they now use a bronze plaque which is set up in front of the chamber of the *Boule* by
5 the statues of the eponymous heroes. The Forty take the list under the name of the last of the eponymous heroes, and allot to those on the list the cases for arbitration and cast lots to decide which each will decide. The man selected is required to arbitrate as directed, for the law provides that if any man fails to serve as an Arbitrator when his age-group is performing this duty he shall lose his citizen rights, unless he happens to hold public office that year or to be abroad; only these categories are exempt.

6 Information can be laid before the Arbitrators as a body if anyone is wronged by an individual Arbitrator, and the penalty laid down by law for anyone condemned under this procedure is loss of citizen rights;
7 there is a right of appeal. They also use the names of the eponymous heroes for military service; when they send an age-group on campaign, they publish a notice saying that the groups from one Archon and eponymous hero to another are called up for service.

LIV The following offices are also filled by lot: five commissioners of roads, whose duty it is to employ the slaves
2 provided by the city to repair the roads. Ten Auditors and ten assistants for them, to whom all those who have held public office must submit their accounts; this is the only body which audits the accounts of those subject to the *euthuna* and submits the results to the *dikasterion*. If they detect anyone who has been guilty of embezzlement, the jury condemns him for theft of public money, and he is sentenced to pay ten times the amount stolen; if they demonstrate that anyone has taken bribes and the jury convicts him, they assess the size of the bribe, and again he pays ten times this amount. If they condemn him for maladministration, they assess the amount, and this is what he pays as long as he pays up before the ninth prytany; if not, the sum is doubled. Fines of ten times the amount involved in the offence are not doubled.

3 They cast lots for the officer called Clerk to the Prytanies, who is in charge of the documents, keeps the decrees which have been passed, checks the transcription of everything else, and attends meetings of the *Boule*. In earlier days this official was elected, and they used to elect the most famous and reliable men; their names are recorded on the inscribed texts of alliances, and grants of *proxenia* and citizenship; now they are
4 selected by lot. They also pick another man by lot to look after laws; he attends the *Boule* and also checks all
5 transcriptions. The people elect the clerk whose duty it is to read out documents in the *Ekklesia* and *Boule*, and this is his only duty.

6 Ten sacred officials are elected who are called 'those in charge of expiation'; they make sacrifices ordered by oracles, and if good omens are required they see to it
7 with the prophets. Another ten religious officials are selected by lot, called 'those in charge of annual rites'; they offer certain sacrifices and are in charge of all four-yearly festibals except for the Panathenaia. The four-yearly festivals are: 1. the mission to Delos (which is also celebrated every six years); 2. the Brauronia; 3. the

Heracleia; 4. the Eleusinia; 5. the Panathenaia; none of these festivals occurs in the same place. The Hephaistia was added to the group in the Archonship of Kephisophon.

8 An Archon is appointed for Salamis and a demarch for the Peiraeus by lot; they celebrate the Dionysia in each place, and appoint the *choregoi*. In Salamis the name of the Archon is recorded.

LV The holders of the above offices are selected by lot, and their duties are those listed above. As to the so-called nine Archons, I have already described their original ways of appointment; to-day, six *Thesmothetai* and their secretary and also the Archon, the King Archon and the Polemarch are appointed by lot from each tribe in
2 rotation. Their qualifications for office are checked first in the *Boule* of 500, except for the secretary, whose qualifications are checked only in the *dikasterion* as happens for other office holders—for all officials, whether selected by lot or elected, have their qualifications checked before they take up office; the nine Archons have to go before both the *Boule* and the *dikasterion*. In the past a man who was disqualified by the *Boule* could not hold office, but now there is an appeal to the *dikasterion*, and the final decision is taken there.
3 When they are checking qualifications, they ask first: 'Who is your father, and what is your deme? Who was your father's father, and who was your mother, and her father and his deme?' Then they ask whether the candidate is enrolled in a cult of Apollo Patroos and Zeus Herkeios, and where the shrines are, then whether he has family tombs and where they are; whether he treats his parents well, pays his taxes, and has gone on campaign when required. When these questions have been asked, the candidate is required to call witnesses to his
4 answers. When he has produced the witnesses, the question is put: 'Does anyone wish to bring any charge against this man?' If an accuser appears, the accusation and defence are heard, and then the matter is put to the vote by a show of hands in the *Boule* or a ballot if the

hearing is in the *dikasterion*. If no one wishes to bring an accusation, the vote is held immediately. In former times, only one ceremonial vote was cast,* but now everyone is required to vote on candidates, so that if a criminal has managed get rid of all his accusers it is still in the power
5 of the jurors to disqualify him. After this investigation, the candidates go to the stone on which are the parts of the sacrificial victim, and standing on it they swear to administer their office justly and in accordance with the laws, and not to take bribes in connection with their office, and if they do, to dedicate a golden statue. At this stone also the Arbitrators give their decisions on oath and witnesses swear† to their depositions. After taking the oath the candidates go to the Acropolis, and repeat the same oath there; after that they take up their office.

LVI The Archon, the King Archon and the Polemarch each have two assessors of their own choice, and these men have their credentials checked in the *dikasterion* before they take up their positions, and are subject to the *euthuna* in respect of their tenure.

2 As soon as the Archon takes up office, he proclaims that every man shall hold and control until the end of the year such property as he held before he took office.
3 Then he appoints for the tragedians three *choregoi* who are the richest of all the Athenians; formerly he appointed five for the comedians, but now the tribes provide for them. Then he receives the *choregoi* appointed by the tribes, those for the men's and the boys' choruses and the comedies at the Dionysia, and for the men's and boys' choruses at the Thargelia; those for the Dionysia are each provided by one tribe, but two tribes combine for the Thargelia, each of the tribes serving in turn. The Archon then arranges exchanges of property, and presents any claims for exemption which may arise if a man claims

* That is, where no charge was brought, a single, formal vote of acquittal was all that was required.

† See note on this translation in the Commentary.

either to have performed this liturgy before, or to be exempt on the grounds of having performed another liturgy after which his period of exemption has not yet passed, or not to be of the required age—for the *choregos* of the boys' chorus must be over forty years old. The Archon also appoints *choregoi* for Delos, and a chief of the sacred embassy to take the young people on the
4 thirty-oared vessel. He is also in charge of the procession to Asclepius when the initiated hold a vigil, and the procession at the Great Dionysia. In arranging the latter he is aided by ten assistants who used to be elected by the people and meet the cost of the procession out of their own pockets, but now are picked by lot, one from each tribe, and receive a hundred minae for their expenses.
5 The Archon also organises the processions at the Thargelia and to Zeus Soter; he organises the contests at the Dionysia and the Thargelia. These are the festivals which
6 he organises. Some civil and criminal proceedings come before the Archon; he holds a preliminary hearing, and then introduces them into the *dikasterion*. They include cases of illtreating parents, in which the prosecutor is immune from penalty; accusations of offences against orphans, which are brought against the guardians, and of offences against *epikleroi*, which are brought against the guardians and the people living with the *epikleroi*; accusations of mismanaging the estate of an orphan, which are also brought against the guardians; charges of insanity where it is alleged that a man is wasting his substance because he is of unsound mind, and requests for the appointment of officials to divide up property where a person is unwilling to share out what is held in common; requests to constitute or decide a wardship, for production in court, for enrolment as a guardian,
7 and claims to estates and *epikleroi*. He also looks after orphans, *epikleroi*, and widows who declare themselves pregnant after the death of their husbands. He has the power to fine offenders or bring them before the *dikasterion*. He rents out the houses of orphans and *epikleroi* until they are fourteen years old, and takes security for the leases; he exacts maintenance from

guardians who do not provide it for children in their care.

LVII These matters are the province of the Archon. The King Archon supervises the Mysteries together with assistants elected by the people, two of whom are elected from the whole citizen body, one from the family of the Eumolpidai, and one from the Kerukes. Secondly he has charge of the festival of Dionysus called the Lenaia, which involves a procession and contest. The King Archon and his assistants jointly arrange the procession, but the contest is in his hands alone. He also arranges all torch-races and virtually all the traditional sacrifices.
2 Cases of impiety come before him and disputes over priesthoods. He also decides all disputes about religious matters which arise between the clans or the priests; all cases of homicide come before him, and he it is who proclaims the exclusion of an individual from customary
3 ceremonies. Charges of murder or wounding where a man deliberately kills or injures someone are heard before the Areopagus, as are cases of poisoning which result in death, and cases of arson; these are the only cases decided by that body. Charges of unintentional homicide, conspiracy to kill, and the killing of a slave, metic or foreigner are heard by the Court of the Palladion. Where a man admits to having killed someone but claims that his action was lawful, as for example if he caught an adulterer in the act, or killed unwittingly in war or in the course of the games, the case is heard in the Delphinion. If a man has retired into exile in a situation where reconciliation is possible and is then accused of killing or wounding someone, his case is heard in the
4 court of Phreatto, and he pleads his case from a boat anchored near the shore. Except for cases brought before the Areopagus, all these cases are tried by *Ephetai* selected by lot; the case is brought before the court by the King Archon, and the hearing is held in a sacred area out of doors; during the case the King Archon does not wear his crown. At all other times the defendant is excluded from all sanctuaries, and is even barred by law

from the Agora, but for the trial he enters the sacred area and makes his defence. When the offender is not known, the proceedings are held against 'the guilty party'. The King Archon and the Tribal Kings also proceed against inanimate objects and animals.

LVIII The Polemarch makes the sacrifices to Artemis the huntress and to Enualios, and arranges the funeral games in honour of those who have fallen in war, and makes the
2 offerings to Harmodius and Aristogeiton. He hears only private suits which involve metics, tax-exempt metics and *proxenoi*; it is his duty to take them and divide them into ten groups, and to assign by lot one group to each of the ten tribes, and the jurors of the tribe must then bring
3 them before the Arbitrators. The Polemarch himself introduces cases where a man is accused of disregarding his patron or not having one, and also cases involving inheritance and *epikleroi* of the metics; in other respects, the Polemarch performs for the metics the same duties as the Archon performs for citizens.

LIX The *Thesmothetai* are responsible first for announcing the days on which the *dikasteria* will sit, and then for allotting the magistrates to the courts; the latter bring
2 cases to court as the *Thesmothetai* direct. They bring impeachments and motions for the deposition of magistrates before the *Ekklesia*, and they introduce all accusations brought in the *Ekklesia*, indictments for illegal proposals and accusations of having proposed laws against the interests of the state, indictments against the chairmen or president, and the *euthunai* of the *strategoi*.
3 They hear cases where the prosecutor has to make a deposit, including charges of wrongly claiming citizen rights, or using bribery to this end, which arises when a man uses bribery to escape a charge of wrongly claiming to be a citizen, charges of malicious prosecution, bribery, false entry in the lists of state debtors, falsely witnessing a summons, failure to erase the name of a debtor who has paid, non-registration of a debtor, and adultery.
4 They also introduce the investigations into the credentials of all candidates for office, the appeals of those

whose registration has been refused by their demes, and
5 condemnations sent for confirmation by the *Boule*. They also introduce private suits involving trade or the mines, and cases where a slave is accused of slandering a free man. They allocate courts to the magistrates by lot for
6 public and private suits. They validate international agreements and introduce cases arising under them, and also charges of bearing false witness in the Areopagus.
7 The selection of the jurors by lot is done by all the nine Archons together with the secretary of the *Thesmothetai*, each handling his own tribe.

LX Such then is the position of the nine Archons.

Ten commissioners are also selected by lot to run the games, one from each tribe. When they have passed the preliminary examination, they hold office for four years, and they organise the procession at the Panathenaia, the musical contest, the athletics and the horse races, and they arrange the making of Athena's robe and the vases for prizes in conjunction with the *Boule*; they also give
2 olive oil to the athletes. This oil comes from the sacred olives, and the Archon collects three-quarters of a pint per tree from the owners of the land in which they grow. In the past the city used to sell the fruit, and if anyone dug up or cut down one of the sacred olives, he was tried before the Areopagus and the penalty for those found guilty was death. Ever since the owner of the land has paid the contribution of oil, the law has remained in force, but the penalty has been allowed to lapse. The oil is now levied as a tax on the property, not collected from
3 the trees themselves. The Archon collects the oil due in his year of office, and hands it over to the Treasurers for storage on the Acropolis; he is not allowed to take his seat in the Areopagus until he has handed over the full amount to the stewards. At other times the stewards keep the oil on the Acropolis, but at the time of the Panathenaia they measure it out to the commissioners of the games, who give it to the winning contestants. The prizes for those who win the musical contests are of silver and gold, for those who win the contests in manliness, shields,

but for those who win the athletic events and the horse races, olive oil.

LXI All military offices are also filled by election. There are ten *strategoi*, who once were elected one from each tribe, but are now elected from the whole people. They are allocated by show of hands, one to the hoplites, to command on any expedition, and one to patrol Attica and to fight any enemy who invades the country; two are stationed in the Peiraeus, one in Munichia and one in Akte—their duty is to guard the Peiraeus; one is in charge of the symmories, and enrols the trierarchs, arranges any exchanges of property for them, and introduces cases where there are disputes to the *dikasteria*; the remainder are despatched to deal with any
2 situation that may arise. There is a vote in every prytany on their conduct of their office, and if the people vote against a man, he is tried in the *dikasterion*, and if condemned, the jury assesses the appropriate penalty or fine, while if he is acquitted he resumes his position. When in command of troops, they have the power to imprison anyone for insubordination, to discharge him, and to impose a fine, though this last is not usual.
3 Also elected are ten regimental commanders, one for each tribe; they lead their fellow tribesmen, and
4 appoint the subordinate officers. Two cavalry commanders are also elected from the whole citizen body; they lead the cavalry, divided into two units of five tribes each. They have the same authority over their men as the *strategoi* have over the hoplites, and are likewise
5 subject to a monthly vote on their conduct. They also elect ten tribal commanders, one per tribe, to command the cavalry just as the regimental commanders command
6 the hoplites. They elect a cavalry commander for Lemnos
7 to command the cavalry there, and a steward for the 'Paralos' and another for the 'Ammonis'.

LXII The magistrates chosen by lot were formerly divided into two groups, those who, with the nine Archons, were selected from whole tribes, and those who were selected

from the demes in the Theseum. However, when corruption affected the choices of the demes, the selection of the latter officers was transferred to the whole tribe also, except that members of the *Boule* and the guards are still selected by demes.

2 The citizens receive the following fees for public services: at ordinary meetings of the *Ekklesia* a drachma, but nine obols for the plenary session; jurors receive three obols, while members of the *Boule* receive five, and the Prytanies a sixth for their maintenance. The nine Archons receive four obols each for maintenance and have a herald and *aulos*-player to maintain, and the Archon of Salamis gets a drachma a day. The commissioners of the games receive their meals in the Prytaneion in the month of Hecatombaion during the Panathenaia, starting from the fourth day of the month. The sacred commissioners to Delos receive a drachma a day from Delos, and the officers sent out to Samos, Scyros, Lemnos or Imbros receive money for maintenance.

3 Military offices may be held repeatedly, but no other office may be held more than once, except that a man may sit in the *Boule* twice.

LXIII The allocation of *dikastai* to the *dikasteria* is conducted by the nine Archons for their respective tribes, and the secretary of the *Thesmothetai* handles the tenth tribe.

2 There are ten entrances into the *dikasteria*, one for each tribe, twenty allotment machines, two for each tribe, one hundred boxes, ten for each tribe, and other boxes into which are thrown the tickets of the *dikastai* who have been successful in the ballot. There are two urns by the entrance to each court, and staves equal to the number of *dikastai* required; the same number of ballot balls are thrown into the urns as there are staves, and the balls have letters written on them starting with the eleventh of the alphabet, *Λ*, the number of letters corresponding

3 with the number of courts to be filled. Those over thirty years of age may sit as *dikastai* as long as they are not public debtors and have not lost their citizen rights. If a

man who is disqualified sits, information is laid against him and he is brought before the *dikasterion*; if he is found guilty, the jury assess whatever penalty or fine seems to them appropriate, and if it is a fine, he must be imprisoned until he has paid the previous debt on the grounds of which he was indicted and the additional
4 fine imposed by the *dikasterion*. Each *dikastes* has a ticket of boxwood with his name, his father's name and his deme written on it, together with one of the first ten letters of the alphabet, those up to K; the *dikastai* of each tribe are divided into ten roughly equal sections under
5 the ten letters. The *Thesmothetes* draw lots for the letters which are to be placed by each court, and his servant puts the relevant letter up in each case.

LXIV The ten boxes stand in front of the entrance for each tribe, and the letters up to K are inscribed on them. When the *dikastai* throw their tickets into the box which has the same letter on it as is on their ticket, the servant shakes the boxes and the *Thesmothetes* draws one ticket
2 from each. The man drawn is called the ticket-inserter, and inserts the tickets from the box into the column over which is the same letter as there is on the box. This man is selected by lot to prevent malpractice if the same man should always make the draw. There are five columns of
3 slots in each allotment machine. When the Archon has put the cubes into the machines, he draws lots for each tribe according to the allotment machines. The cubes are bronze, some white, some black; he puts in as many white cubes as *dikastai* are needed, one per five columns, and black cubes in the same proportion. When the Archon takes out the cubes, the herald calls the men who have been selected; the ticket-inserter is included in their
4 number. When a man has been called, he steps forward and draws a ball from the urns, and holds it out with the letter upwards, and shows it first to the presiding Archon. The Archon then puts the man's ticket into the box on which is the letter which is on the ball, so that he shall go to the court which he has drawn by lot, not the one he wishes to sit in, and it may not be possible for anyone to
5 arrange to have the jury he wishes. There are beside the

Archon as many boxes as there are courts to be manned, each with the letter on it which has been allocated to the relevant court,

LXV When the *dikastes* has shown his ball to the servant, he goes inside the inner door. The servant gives him a staff of the same colour as that of the court whose letter was the same as the one on his ball, so that he is compelled to sit in the court to which he has been allotted. If he goes into a different court, the colour of the staff gives him
2 away, for a colour is painted on the lintel of the entrance of each court. He takes his staff and goes into the court whose colour corresponds to his staff and whose letter is the same as that on his ball, and when he enters he receives an official token from the man selected by lot
3 to distribute them. The *dikastai* then take their seats with their ball and staff having got into court in the manner described above. The ticket-inserters return their tickets
4 to those who have been unsuccessful in the ballot. The public servants from each tribe hand over the boxes of each tribe, one for each court, in which are the names of the members of each tribe who are sitting in each court. They hand them over to those who have been selected by lot to return them to the *dikastai* in each court, so that they may summon them by using their tickets, and so give them their pay. There are five of these officials.*

LXVI When all the courts have their requisite juries, two allotment machines are set up in the first court, with bronze cubes on which are the colours of the courts and other cubes on which the names of the Archons are written. Two *Thesmothetai* picked by lot separately put the cubes in the machines, one putting the colours into one machine, the other the names of the Archons into the other. The herald announces whichever magistrate is picked first as allocated to the court which is drawn first, and the second to the second, and so on, so that no magistrate may know where he is to preside but each will preside over the one he draws by lot.

* The number is missing in the text; cf. LXVI,3 and Commentary.

2 When the *dikastai* have arrived and been allocated to their courts, the presiding magistrate in each court draws one ticket from each box, so that he has ten, one from each tribe, and puts these tickets into an empty box, and draws five of these, and of the five drawn one supervises the water clock and the other four the voting, so that nobody may interfere either with the man in charge of the clock or those in charge of the voting, and there
3 may be no chicanery in these matters. The remaining five of the ten drawn receive instructions detailing how and where the jury will receive their pay in the court itself; this is done separately by tribes after they have fulfilled their duties, so that they may receive it in small groups and not cause trouble because there are a lot of people crowded together.

LXVII After these preparations, they call the cases. If they are dealing with private cases, they call four, one from each of the categories defined by law, and the litigants take an oath to speak to the point; when they deal with public cases, they summon the litigants, but deal with only one case.

2 There are water clocks with narrow tubes attached; they pour the prescribed amount of water into them, and this decides the length of time allowed for the speeches. They allow ten measures for cases involving over 5,000 drachmae, with three measures for the supporting speech, seven measures for those up to 5,000, with two for the supporting speech, and five and two for those under 1,000; six measures are allowed for the deciding of disputed claims, and second speeches are not allowed.
3 The man in charge of the water clock cuts off the flow of water when the clerk is going to read out a decree, law, piece of evidence or contract. If, however, parts of the day's hearing have been allocated to each side, then he does not cut it off, but an equal period of time is allowed
4 to the prosecutor and the defendant. The standard of division is the length of the day in the month of Poseideon

. . . . . .

The following section of the papyrus is so badly mutilated that the text cannot be reconstructed; the only section of which something may be made is:

. . . The day is divided into proportionate parts . . . for contests where the penalty laid down on conviction is imprisonment, death, exile, loss of citizen rights or confiscation of property. . . .

There follows a further mutilated section of papyrus.

LXVIII The majority of the juries are of five hundred members . . . but when it is necessary for public suits to have a jury
2 of 1,000, two juries are combined in the *Heliaia*. The votes are cast with tokens of bronze which have a pipe through the middle, half of them pierced and half blocked. At the conclusion of the speeches, those chosen to supervise the voting give each member of the jury two tokens, one pierced and one blocked, showing them clearly to the litigants so that the jury do not receive either two pierced tokens or two blocked ones. Then the designated official takes the staffs, in return for which each *dikastes* when he casts his vote receives a bronze tag with the number three on it, for when he hands it in he receives three obols; this is to ensure that all vote, for no one can receive a tag without voting.
3 There are two containers in the court, one of bronze and one of wood; they can be taken apart so that nobody can introduce votes into them fraudulently before the voting begins. The *dikastai* cast their votes in them, the bronze container counting while the wooden is for the vote which is not used. The bronze one has a lid with a hole in it through which only one token can pass, so that
4 the same man may not insert two tokens into it. When the jury are about to vote, the herald first asks whether the contestants wish to protest at any of the evidence, for protests cannot be lodged after voting has commenced. Then he makes a second announcement: 'The pierced token for the first speaker, the solid for the second.' The *dikastes* takes the tokens from the stand, holding the pipe

in the token so that he does not show the litigants which is pierced and which is not; he places the token that counts in the bronze container, and the other in the wooden one.

LXIX When the voting is complete, the servants take the container which counts and pour out the contents on to a reckoning frame which has as many holes in it as there are votes so that it may be easy to add up the tokens which count, both the pierced and solid ones. Those selected by lot for the task count them up on the board, separating the solid from the pierced, and the herald announces the number of votes cast, the pierced for the prosecutor and the solid for the defendant. Whichever gets more votes wins, while if the votes are equal the
2 verdict goes to the defendant. If it is necessary, they then assess a penalty by voting in the same way; for this the *dikastai* return their tags and take back their staffs. Each side is allowed half a measure of water for their speeches at this stage. When the *dikastai* have fulfilled their duties as required by law, they take their fees in the part of the building assigned to them.

COMMENTARY

1 The surviving papyrus copy of the *Constitution of Athens* is not complete (see Introduction); an epitome of the lost early chapters is printed in the Appendix. The first preserved sentences contain the end of a discussion of the conspiracy of Cylon and its aftermath. Cylon, an Olympic victor in 640, had attempted to seize power in Athens, and when the coup failed had escaped; some of his supporters took refuge as suppliants at an altar, but were tempted away with an offer of safe conduct and then executed. Megacles, of the family of the Alcmeonids, was responsible, and his action brought pollution on the state and his family.

The date of Cylon's conspiracy is not known. While he must have been a young man to win a running race at Olympia in 640, he cannot have been very young when he tried to win the tyranny; in the present passage Aristotle implies that all those who were responsible for the sacrilege were dead at the time of the purification of the city and Myron's accusation, which argues that some considerable time had elapsed after Cylon's attempt. We know that the coup was attempted in an Olympic year, and the most plausible date for it is 632; tradition associates the purification of the city by Epimenides with the archonship of Solon (594/3), suggesting that it may have taken place in 595/4. This sequence of dates is possible, though it implies that the Alcmeonids were rehabilitated fairly fast, for they were influential in Athens in the 560s, immediately before the tyranny of Peisistratus. It is alternately possible that the purification and the resultant expulsion of the Alcmeonids took place towards the end of the Peisistratid tyranny, when we know that the Alcmeonids were in exile; their guilt, which is normally referred to as the 'curse of the Alcmeonids', was certainly a live issue towards the end of the sixth century since Isagoras used it in 508 against Cleisthenes (xx,2–3). There may even have been two attacks on the Alcmeonids. The main ancient sources describing the Cylon affair are: Herodotus, v,71; Thucydides 1,126 (a polemical answer deliberately correcting Herodotus on some points); Plutarch, *Solon* 12.

There is nothing inherently implausible in a trial after those guilty had died. Often plague or natural disaster led to a search for any possible pollution which might explain it; when one was found, appropriate action was taken, which included the disinterring and removal of the bodies of guilty parties who had died in the meantime.

II 'After this' means after the Cylon affair, not after the purification. Any attempt at reconstructing the economic or social conditions prevailing at Athens before the time of Solon is extremely problematical; one is virtually reduced to deduction from what Solon himself did (in so far as *that* can be reconstructed) and analogies from the development of other states; however, we are probably not significantly worse off than Aristotle was in this respect, with the proviso that he had access to a greater body of Solon's writing than we have, and had the benefit of sundry reconstructions made by earlier Greek writers on the subject which are now lost. While they probably knew more than we do about Solon's legal code, it is not likely that they had authentic texts of his constitutional provisions. In the last decade of the fifth century a concerted effort was made to establish the details of Solon's legislation, and the evidence suggests that this was successful only in the legal field.

That Athens at this period could reasonably be described as oligarchic cannot be doubted. Power was in the hands of property owners, and active participation in politics was probably restricted to a small proportion of the citizen body; a larger group may have sat as some form of assembly to vote on major issues, though it is unlikely that they conducted any real discussion on them. Equally, the economic situation was oppressive. Most of those who farmed probably had small plots, and therefore would be badly hit by a single poor harvest; eventually many fell into a form of subjection or slavery through debt. This much is clear from Solon's ban on lending money on the security of the person of the borrower or of members of his family, and it must be this economic power to which Aristotle refers when he says that 'the whole land was under the control of a few men' (II,2).

Aristotle here speaks of both those who were slaves and those who were *hektemoroi*, 'sixth-parters'. The exact position of the *hektemoroi* is not known, but one can be reasonably sure that they worked land under some form of tenure which entailed their surrendering one sixth of the produce to an over-lord, and may have encroached on their freedom in other ways, notably on their freedom to move from their place of residence. The *pelatai* were dependents who were required to pay certain dues to their masters; compare Plato *Euthyphro* 4 c, where the status is referred to *en passant* as if there were no problem in understanding it. Much later, Dionysius of Halicarnassus and Plutarch used the word to translate the Latin word *clientes*, but one need not assume that the parallel was close, nor that they really understood the status of the *pelatai*. It appears that the *hektemoroi* were perhaps in a particular form of the bond status which affected the *pelatai*, and that the latter term could cover a wider range of differing statuses. Neither group is identical with those enslaved for debt, though it is specifically said that if the *pelatai* defaulted on their payments, they and their families were liable to be seized and sold as slaves. It is probable that much of the slavery for debt at such a relatively primitive stage of the development of the society was primarily aimed at securing the services of the debtor and

his family in lieu of payment rather than recovering the loan on which he had defaulted by realising a man's 'cash value'. Whether the bondage which resulted from failure to pay money due was for life or for a limited period corresponding to the debt is unknown.

That there was discontent at the time is not surprising. Economic problems must have been accentuated by the increase in the size of the population; that Solon banned the export of cereals indicates a chronic shortage at home (as well as the fact that higher prices could be obtained by selling abroad despite the costs of transport). Political discontent would have sprung from this, and probably existed higher up the social scale as well. Generally those who defended the state demanded a major say in its government (cf. Aristotle, *Politics* 1321 a 5–14); the introduction of hoplite warfare into Greece in the seventh century had meant a radical change in fighting methods, since success in battle now depended on a very much larger group of people than before. These hoplites were probably asking for a share of power, and may have been joined by the merchants. In a number of states a similar situation was resolved by the establishment of a tyranny; in Athens Solon sought a less radical solution. 'Champion of the people' was a convenient phrase coined in the fifth century to describe an influential politician, not an official position.

III At this point Aristotle looks back to the earlier institutions of Athens to provide a background to the succession of constitutional changes to be discussed in the coming chapters. Presumably he had mentioned the kings of Athens, or at least Theseus and one or two others, in the lost opening. One of the earlier products of the awakened interest in the early history of Attica which marked the second half of the fifth century were complete lists of Archons and kings. The lists were constructed on the basis of tradition, and as we have them are manifestly unreliable in the early sections. To give one example, a period of seventy years (752/1–683/2) is postulated when the Archon, having ceased to hold office for life, held it for ten years; a ten-year Archonship is intrinsically not very plausible, and it is even less likely that if it did exist, all Archons lived for their full ten years—it would be remarkable if, as the lists suggest, no holder had died in office. In all probability, a traditional date for the end of the monarchy (perhaps 1066) was accepted, and because the known names of Archons were inadequate to cover the years available, the ten year archonship was used to 'stretch' the available names over the required period.

This is not to say that some of what Aristotle records is not plausible and probably well founded. The early origin of the Polemarch, a commander-in-chief to substitute for an incompetent monarch, is most likely, and it is equally likely that a second Archon was added early to relieve the king in other functions. Whether this was the Archon who was later called the Archon *Eponumos* is another matter. Aristotle's phrasing about the King is obscure here; in calling his office 'first' and 'traditional' he *may* be referring to the Archonship, but may just as well

be referring to the actual position of king which would naturally be described in this way. It is unlikely that there should have been a 'King Archon'* while there was still a king, while it is very probable that when the kingship was abolished the Archon who took his place took over his functions. In other words, Aristotle's very proper attempt to use the evidence and deduce from the lack of religious functions of the Archon *Eponumos* that he was the last to be created should be turned upside down: the Archon *Eponumos* would not have had any religious functions as long as the monarchy existed precisely because those functions were the king's prerogative. When the kingship was abolished an Archon was needed to take his place, and naturally took over his religious functions; because of the conservatism of Greeks about things religious he also took the title of King Archon because it was felt that in some ways the most important function of the king was as an intermediary between gods and men, and that his name set him apart as particularly capable of performing the function. The Archon (as the Archon *Eponumos* is usually called) was in charge of religious ceremonies of later origin, probably postdating the monarchy; it was not these 'later additions' (§3) which made the Archonship great, but its political power; cf. Thucydides 1,126,8. It may be asked why the Archon and not the King Archon presided and became the senior magistrate. Any answer must be hypothetical, but a reasonable guess may be that as a senior counsellor of the king before the abolition of the monarchy he had always been a leading citizen, and so, on the abolition of the monarchy, naturally became the senior magistrate in preference to the newly established King Archon.

'*Thesmothetai*' was the official title of the other six magistrates, who together with the three Archons already discussed formed the board normally referred to as the 'nine Archons'. Their later origin accords well with their largely legal duties; in a primitive society, there is no need for a large number of courts, and therefore for a number of magistrates to preside over them. At the end of §5 Aristotle correctly records their changed status from that of judges in the early period to presidents over preliminary hearings under the developed democracy (see below on XLV and LIX). The Areopagus was a council consisting of ex-Archons, and may have even elected the Archons at an early stage (VIII,2). Its composition on a basis of wealth and birth, with life membership, makes it a very typical early aristocratic advisory council, such as the primitive Senate at Rome. In the historical period it does not appear to have had significant political functions, but it is probable that, again like the Senate, it acted as an advisory council to the Archons after the abolition of the monarchy, and, further, was a council whose advice it was difficult to disregard; thus it could have been very influential without leaving any trace of actual, concrete political functions for later writers to record. Its political influence would have faded into the background

* 'King Archon' is a convenient modern phrase; the Athenians referred simply to 'the King'.

with Solon's reforms, and even more so under the Tyranny, and this would explain the absence of any popular memory of this aspect of its early duties. What *was* remembered was its general supervisory powers over the lives and morals of the citizens. Again, this was a normal function of an aristocratic council, though the extent of the power varied; in Rome it was largely delegated to the Censors. How much such power was constitutionally established and how much simply 'assumed' is probably too sophisticated a question to ask of a primitive period when constitutions were ill-defined and a matter of tradition, not written law. The censorial power survived, at least in a modified form, until 462/1 (see below on XXV). Life tenure was never abolished; it was a most undemocratic feature, but when the Areopagus was stripped of all real power it retained the traditional basis of membership. It survived for a very long time as an élitist body; an interesting letter of the Emperor Marcus Aurelius in the second century AD has been recently published: only the sons of freedmen, not freedmen themselves are to be eligible for membership of the Areopagus, although freedmen are admitted to the *Boule*.

For what we know of the buildings referred to in §5 see *The Athenian Agora; a Guide*, published by the American School of Classical Studies at Athens (2nd ed. 1962), with further bibliography. The 'marriage' of the wife of the King Archon to Dionysus was a symbolic ceremony celebrated each year in the course of the festival of the Great Dionysia.

IV Chapter II looks like a prelude to a description of Solon's legislation; then chapter III digresses into a historical discussion of the origins and development of the Archonship. Now Aristotle returns not to the constitution of Solon but to the situation at the time of Draco's legislation, traditionally 621. There is a recapitulation of the various stages of the development of the Athenian constitution in XLI which is at odds with the implication of this passage in that it does not include Draco as one of the eleven stages stated to have been discussed—or if it does, the previous stage cannot be included; for further discussion see below on XLI. Further, Aristotle states clearly elsewhere (*Politics* 1274 b 15) that Draco made laws (a penal code) 'for an already existing constitution'.

Von Fritz and Kapp (pp. 8ff) have revived an old suggestion of P. Meyer,* and argue that there is nothing in III–IV which shows conclusively that Aristotle meant that Draco was the author of a new constitution, although this is the traditional interpretation. The chapters can, according to them, be as easily read as the description of the existing state of an aristocratic society of a period of which Draco was 'the most representative figure'. This is hard to accept; the traditional view did not become traditional for nothing, and is certainly the easiest way of understanding the text. Nevertheless, it is just possible to take the passage in the way in which they suggest; if one does, Aristotle has been guilty of extreme obscurity.

* *Des Aristoteles Politik und die* Athenaion Politeia, 31–44.

Whether Aristotle believed that Draco altered the constitution or not, the account which he gives leads to the inescapable conclusion that what he describes bears very little relation to any actual early constitution of Athens in the later seventh century. To be sure, some of the statements he makes were probably true of the period, notably the giving of some share in political power to the hoplite class (§2) and the method of election of Archons. As to the hoplites, note the pluperfect tense, 'had been handed over'; perhaps this change, a normal step in the development of a Greek state, was thought of as having occurred before the time of Draco. Alternatively, the text could be read as implying that it was the first of his measures. Either way, they are likely to have received some form of franchise before Solon's time, and the fact is equally likely to have been forgotten in the shadow of his even more sweeping reforms. It is worth remembering that hoplite status was the qualification for full citizenship revived by the moderate oligarchs in 411.

Many details in IV, however, must be later, including the following: the relative unimportance of the Archons compared with the *strategoi*—the latter had to satisfy ten times as high a property qualification; the stipulation that the *strategoi* had to have legitimate offspring over ten years old; the very existence of the *Boule* (its existence has been questioned even in Solon's provisions), and even more the fact that it had four hundred *and one* members; the selection of the *Boule* by lot, and the rotation of membership; the position of the *Ekklesia*; finally the august supervisory role of the Areopagus, which was very much the position which the less extreme democratic theorists of the later fifth century thought it ought to hold, but far less powerful than the position which it probably did hold. All these provisions smack of the speculations of the last quarter of the fifth century, a time when many felt that the extreme democracy had failed, and they should look for something better in the past to which they could return in order to save the situation. A significant number of features imply a fourth- rather than fifth-century date for the construction of the document, in particular the number of members of the *Boule*; it seems that even juries in the fifth century tended to be of round numbers, despite the potential inconvenience inherent in that, while the *Boule* had to be a multiple of ten to ensure equal representation of all tribes. Equally, the provisions about securities until a man had passed through the *euthuna* (see below on XLIII and LIV,2) and the requirement that *strategoi* must have legitimate sons are both typical of fourth- rather than fifth-century thinking.* Finally, the whole chapter is suspiciously similar to the moderate proposals of 411/10; cf. XXX,3 with Commentary, and Thucydides VIII,86ff.

In summary, there seems little doubt that Aristotle had access to 'information' which was not what it claimed to be. There is nothing very surprising in the ascription of the constitution to Draco. The moderate oligarchs believed that the Athenian constitution had once

* For a full discussion, see A. Fuks, *The Ancestral Constitution, passim.*

been better than it was under the extreme democracy, and attempted to reconstruct the past on the basis of flimsy or non-existent evidence. The more unscrupulous among them attempted to lend their own proposals added respectability and persuasiveness by passing them off as the work of revered figures from earlier days; Draco, who was famous for a body of stern but just criminal law, was an obvious candidate. It is impossible to be sure when the version which Aristotle reproduces was first put together; the last twenty years of the fifth century are the likely period, but there are also probable fourth-century features, notably those singled out above.

In the absence of reliable authorities on the early period it is quite possible that Aristotle accepted the 'constitution' as genuine; it has some plausible parts. Whether he regarded it as a change made by Draco or as the existing situation at the time when Draco passed his penal code cannot be determined; on this question hangs the interpretation of the 'legislation' of §1—whether it was criminal or constitutional.

Detailed discussion of §§2–5 will be reserved for the discussion of xxx, for the ideas clearly fit with those of the reformers of 411/10, but a few points may be dealt with now. The identity of the Prytanies mentioned is unknown; they cannot be the fifty members who formed a committee of the Cleisthenic *Boule*, and there are considerable difficulties about identifying them with the 'Prytanies of the *naukraroi*' mentioned by Herodotus (v,71) in connection with the Cylon affair; it is just possible that the word was (or was later thought to be) an early title for the Archons. The principle of rotation, which ensured that all those eligible held office once before anyone had a second term, is a more sophisticated idea than would be likely in the seventh century; it was a typical device used to secure equality within a restricted group in a moderate oligarchy. Fines for non-attendance prove that Aristotle did not think the *Boule* was paid; loss of pay is the equivalent of a fine in that case. The fines themselves are stated in money terms, which must be an anachronism in the days of Draco, since Solon, at a later date, still based his division of classes on produce; see below on vii, where the terms used for the classes are also discussed.

The final sentence returns to some of the major grievances which led up to the Solonian reforms, and picks up the thread very closely from the end of ii. The possibility cannot be totally ruled out that iii and iv were added later or substituted for an earlier draft; if they were, they may well be by Aristotle. Signs indicate that the work was not carefully revised for publication, not least the obscurity of some parts; see the Introduction. Alternatively, iii–iv may have been added by one of Aristotle's pupils, since he employed teams of research assistants on collecting the *Constitutions*.

SOLON

V Aristotle opens the eight chapters in which he discusses Solon's legislation with a recapitulation and expansion of his earlier assessment of the causes for discontent in Attica. Here, as elsewhere in the discus-

sion, he bases a good deal of his account on Solon's poetry—a use of sources which inspires confidence in what he has to say. The fact that Solon chose verse as the medium for what amounts to a series of pamphlets justifying his political actions is not surprising in the context of his day. At that time prose literature did not exist; secondly, there is an oracular quality about some of the things he says, and verse was the normal medium for such pronouncements; thirdly, verse is easier to remember than prose, and Solon certainly intended his ideas to circulate orally from man to man. The use of verse for political propaganda was common throughout the ancient world, and a large number of epigrams survive, mainly from Roman days, which contain material which would today appear either as newspaper comment, 'letters to the editor', or on Radio and Television discussion programs. By writing verse, a politician ensured wide circulation for his ideas.

The rising tide of discontent in Athens is well demonstrated by the measures taken by Solon as well as the statements of Aristotle and others. Here is, incidentally, another reason for doubting that Draco did more than codify the law: the traditional date for Solon's Archonship is 594/3, and the necessity for what he did after a period of less than thirty years, combined with the tradition that the political troubles were of long standing, must at least cast doubt on the effectiveness of any supposed measures of Draco. Such social discontent often led to the establishment of a tyranny in Greek states: a champion of the people gained support in order to right injustices, and then either was willingly granted power or kept it by force. That Solon attempted a different way out suggests that the crisis was not yet extreme nor the demand for a tyranny too widespread, and indicates that the nobles were prepared to make concessions in an attempt to preserve something of their position. In other states, for example Corinth, the establishment of a tyranny had been accompanied by the expulsion of the former ruling group; cf. Solon's comment, XII,4. Solon himself must have been a member of the ruling group in order to qualify for the Archonship, though §3 suggests that he did not regard himself as one of the inner group. Aristotle describes him as one of the *mesoi*, translated here as 'middle class'; this term must not be read in a modern sense, but as implying that he was only moderately wealthy and influential.

Aristotle is quite clear that Solon's legislation was a compromise—he worked for and against both parties. However, he blamed the rich for the troubles of the state. The situation may not have been as extreme as that outlined in the opening sentence; there must have been a proportion of the population who were neither wealthy nor virtually slaves. However, as suggested on II,2, above, the number of people in some form of bondage was probably increasing, and it is equally likely that discontent had risen sharply both through greater political awareness and because those who were debt bondsmen could not take advantage of the opportunities offered by trade or emigration since they were tied to the land.

VI The first group of measures discussed are economic. In all probability Solon also enacted them first, since it was essential to liberate the debt bondsmen before anything could be done to build a stable society. The *seisachtheia* is presented as a cancellation of debts, as also in Plutarch *Solon* 15, but covered also other kinds of obligation, such as those of the *hektemoroi*. Some modern scholars have questioned a cancellation of debt on the grounds that it would have caused too much havoc in a community in which trade was already developing significantly. They follow Androtion, the fourth-century writer of a history of Attica, as quoted by Plutarch (*Solon* 15): 'Some writers, of whom Androtion was one, say that the poor were relieved not by a cancellation of debts, but by a moderation of interest rates . . .' Androtion is a slightly earlier authority than Aristotle; however, Plutarch himself rejects his interpretation, and supports the rejection by quoting Solon's own lines about uprooting the stones which indicated that land was encumbered. Exactly what encumbrage the stones indicated is uncertain, but the most plausible suggestion is that they were a sign of the liability of the *hektemoroi*. The uprooting of the stones must be conclusive; they could hardly be removed if the liability still existed. The only way to reconcile the accounts of Androtion and Aristotle is to suggest that Solon cut interest rates so severely that this, combined with his supposed currency reforms (see below on X), enabled debtors to pay off their debts immediately. This explanation is much more complicated than the account accepted by Aristotle, and implies a delicacy and sophistication of economic thinking which is unlikely at such an early period. If these liabilities were abolished, it is hard to see how other forms of debt (which were presumably only a small proportion of the total) could have been excluded.* Equally, Solon not only banned loans on the security of the person of the creditor or his family for the future, but also attempted to remedy as much as he could of the harm caused by the practice in the past: 'He says that of the citizens sold for debt he brought some back from abroad "no longer speaking Attic Greek because of their long wanderings; those who were under the yoke of slavery in Attica" he says he made free' (Plutarch *Solon* 15, quoting Solon, frag. 24,11ff; cf. below XII, 4).

Aristotle follows a pro-Solonian source in rejecting the story that Solon either made a personal profit from the *seisachtheia*, or at least connived at some friends doing so; the allegation must have come from an anti-Solonian source. The rejection is probably right, as is the argument that such profiteering was out of character, and pointless when he could have made himself tyrant. The story looks like a fabrication from the period of political controversies at the end of the fifth century when both sides, while looking for early precedents for the changes they wished to introduce, probably also attempted to blacken

* In Androtion's day, Solon was admired by the oligarchs as well as the democrats, and his account of the *seisachtheia* probably represents an attempt to clear Solon of the charge of having cancelled debts—an action utterly repugnant to the wealthy.

the chosen 'heroes' of the opposition. The story is repeated and again denied by Plutarch (*Solon* 15), Plutarch includes the added detail that Solon himself was a creditor to the tune of five talents, and was among the first to cancel the debt under the law. The story may well be apocryphal, but if it is not, it may be taken as confirmation that all debts were included, not merely mortgages on land.

VII Aristotle makes only a passing reference to the legal enactments of Solon, as opposed to his constitutional and economic measures—they were not strictly relevant to his subject. Draco's legal code had probably been an improvement on the previous state of affairs in that it was, in all likelihood, the first codification of the laws, as the Twelve Tables were at Rome. Such a codification was a necessary step in the development of a state in that while the law remained unwritten the ordinary litigant was at the mercy of the 'memory' of the presiding magistrate, who was normally a noble; codification at least removed one potential source of abuse. On the other hand it is generally agreed in our sources that Draco's code was extremely severe; it was said that the laws were written not in ink but in blood (Plutarch, *Solon* 17).

We do not know exactly which laws Solon changed, nor what he put in their place—a particularly unfortunate omission in our sources. Centuries later, fragments of the inscribed copies of Solon's laws were seen by Plutarch (*Solon* 25) and he quotes one of them (*ib.* 19); in all probability a full text was preserved in Aristotle's day on the *kurbeis* (inscribed wooden pillars) he mentions here. The ancient tradition says that Solon's laws were published on these *kurbeis*; actual publication is likely, since, if Draco had produced a published legal code, it is hardly likely that Solon's legislation was not similarly published. We do not know what happened to them in the Persian sack of Athens (480–79); if they were on wood, they may have been carried away to Salamis or Troezen, but they may have remained in the city, perhaps on the Acropolis, which a small section of the population believed would not fall (Herodotus VIII,51). If they stayed in the city they were presumably destroyed. However, even if they were destroyed, they were such an essential part of the basis of Athenian life that it is likely that a reasonably accurate text could be restored from memory when the city was reoccupied. The restored democracy of 410 ordered Solon's laws to be collected and inscribed definitively; our accounts imply that the work was successfully completed.

The oath to observe Solon's legislation taken by all is mentioned also by Plutarch (*Solon* 25); the stone on which the magistrates took the oath was tentatively identified in the Agora excavations in 1970, being found exactly where Aristotle states just outside the newly identified Stoa of the King Archon. The golden statues have caused a great deal of dispute; what exactly is meant still remains uncertain, but the general intention is clearly a heavily deterrent penalty, effectively a large fine; cf. LV,5. The period of a hundred years during which the laws were not to be changed is echoed by Plutarch, but apparently

contradicted by Herodotus (1,29): 'Solon came to Sardis, having legislated for the Athenians at their request; he had gone abroad for ten years nominally to see the sights, but really to avoid being forced to change any of the laws he had made, for the Athenians could not do so: they were bound by solemn oaths to observe whatever laws Solon laid down for ten years.' Possibly the hundred year period is correct, but ten is much more plausible, since it would give a reasonable testing period for the new arrangements without suggesting that the Athenians bound themselves to observe whatever Solon decided for the whole of their lifetime and beyond.

The four property classes are listed by Aristotle in §3, and then defined in §4. In all probability the names of the second, third and fourth classes were already in existence, and Solon may have done little more than formalise and redefine the qualifications for membership. The important change of nomenclature in the first class, from *eupatridai*, nobles, to *pentakosiomedimnoi*, a purely property-based qualification, indicates that, whereas up to then birth as well as wealth had been an essential prerequisite for membership of the highest class, and therefore for any real share in political power, the basis was now solely wealth, defined in terms of annual produce of dry goods (corn) or wet (olive oil or wine). This change means that Aristotle must be wrong (§3) when he implies that all four classes existed before Solon; the mistake might possibly have arisen if the names had been connected with the supposed constitution of Draco referred to in IV.

This much is certain; what the changes imply is more debatable. Solon's classification is expressed in terms of agricultural produce, as one would expect at a period before the introduction of coinage as a normal basis for the exchange of goods. However, the analogy of other Greek states suggests that the pressures which led to Solon's appointment would have sprung in part from the discontent of a group who were reasonably well off but debarred by birth from an active share in politics. On the face of it, the switch to a timocracy implicit in the change of name of the top class, so that membership depends solely on income, would solve the problem. However, the fact that income is considered solely in terms of agricultural produce raises the thorny problem of whether land was alienable or not. It has been widely assumed that it was not, and this view has given rise to considerable problems in the attempt to discover exactly what Solon's reforms were intended to achieve. However, such flimsy evidence as there is tends to suggest that land was alienable, as was other property, although in practice alienation was probably a rare event. A passage in the *Iliad* (XIV,119–24) refers to the father of Diomedes moving to Argos, where he acquired land and other property; Odysseus promised to give Eumaeus a house and land (*Odyssey* XIV,61–4); alienability of land was accepted in the world portrayed by Homer and Hesiod. Evidence for the early classical period is lacking except for a number of negative provisions restricting, or in some cases excluding, alienation; there seems little point in these provisions unless the possibility of alienation

existed. Thus it seems that Solon's change in the definition of the property classes opened the way to a share in political life to some who had hitherto been excluded. There was probably considerable social pressure which made alienation rare, not least the strong feeling that the property of the family group was held in trust for the whole group by the head of the family, and should therefore be preserved intact if possible. It may well therefore have been difficult for those who were wealthy but owned no land to find land which they could acquire in order to qualify under the new provisions.*

Whatever the immediate effect, there is little doubt that the spread of money under Peisistratus meant that before the last quarter of the sixth century the basis of the classes was at least partly monetary, and that therefore the way into a full share in political life was open to all, however they reached the qualifying property standard.

To attempt to give any modern equivalent for the various property qualifications for the classes would be extremely difficult;† suffice it to say that the wealthy must have been the small minority in Solon's day, while in the later fifth century there is some indication that a little over half of the population were of the census of the *zeugitai* or above. There is no doubt that Aristotle is right to reject the explanation of the qualification of the *hippeis* based on horses; the class was almost certainly in existence before Solon, and at that time membership probably did depend on a man being able to maintain a horse or horses at his own expense. The statue referred to in the inscription quoted was to Anthemion; Aristotle has misinterpreted the Greek genitive giving the name of Athemion's father as defining the name of the man portrayed. The horse is clearly symbolic, and does not upset the argument supporting a produce basis for the class.

'The other magistracies' (§3) include not only all the positions which are normally called magistracies in discussions of the Ancient World, but also membership of the *Ekklesia* and the courts; the sentence is not precisely expressed. The nine Archons came from the top two classes, and the *zeugitai* were not formally admitted until the middle of the fifth century (XXVI,2); the *thetes* never were, though in practice later, as Aristotle notes right at the end of the chapter, nobody was refused solely on the grounds of his property class as long as he did not actually say he was one of the *thetes*; this relaxation is presumably to be dated some time in the second half of the fifth century under the radical democracy. At the time of Solon's legislation the Archonship was still the most important office in the state, and it is hardly surprising that it was not open to all. The Treasurers (of Athena) were always selected

* For the arguments for alienability of land, see M. I. Finley, 'Alienability of Land in Ancient Greece', *Eirene*, 7 (1968), 25–32. If the arguments for the possibility of alienation are accepted, they remove the necessity for complicated analyses which attempt to show that Solon was trying to do, such as C. Hignett, *A History of the Athenian Constitution*, 99ff, and N. G. L. Hammond, 'Land Tenure in Athens and Solon's *Seisachtheia*', *JHS* 71 (1961) 76–98.

† See A. French, *The Growth of the Athenian Economy*, 19ff.

from the top class (VIII,1) on the grounds that their wealth was some guarantee against embezzlement. The other offices were divided among the *hippeis* and *zeugitai*; the *poletai* supervised taxation and public contracts, and sold confiscated property (cf. XLVII); the Eleven supervised the state prison (cf. LII), and the *kolakretai* held a very ancient office with financial duties which were changed from time to time; they may originally have had some connection with the distribution made after a sacrifice. They do not appear after 411.

The common people probably in fact sat in the *Ekklesia* even before Solon, but their position may have been precarious, and it may not have met often. Solon appears to have confirmed their right to membership, and it is a likely assumption that after his time the *Ekklesia* was regularly consulted on important questions; they probably took the final decision, though it is doubtful if even at this time they had more than the right of voting for or against a proposal. The mention of *dikasteria* here probably refers to the *Ekklesia* sitting as a court to review decision and sentence in the most important cases; the wording of IX,1 shows that the form of hearing was that of an appeal from the decision of a magistrate. The complex fifth- and fourth-century system of *dikasteria* ultimately developed out of this step, but was a far cry from it; in the sixth century cases were still decided by the magistrates and the Areopagus. None the less, the innovation was rightly regarded as ultimately a cornerstone of democracy; cf. IX,1 and Plutarch, *Solon* 18.

VIII The alleged selection of Archons by lot under Solon must be considered in conjunction with XXII,5 and LV,1. The first of these two passages states that in 487/6 (the Archonship of Telesinos) 'they cast lots for the nine Archons by tribes from the five hundred previously elected by the demesmen; this first happened then after the tyranny; all their predecessors were elected.' LV,1 explains how nine of the ten tribes produced the Archons, and the tenth their clerk; thus there was a post for each tribe. According to the *Constitution of Athens* the selection of the Archons by lot was a feature of the constitution of Solon, but this contradicts the statement that they were elected, which Aristotle makes twice in the *Politics* (1273 b 40, 1274 a 16). Because Aristotle here accepts selection by lot under Solon, he has to assume that the practice had lapsed under the tyranny—hence the phrasing of XXII,5 (quoted above) about the change in 487/6. Selection of as many office holders as possible by lot was a feature of radical democracy, the purpose being to produce real equality of opportunity between all candidates; any form of election might well produce a higher level of competence, but introduced an element of aristocracy in the Greek sense, the selection of the *best* people. Selection by lot is not in tune with the apparent drift of Solon's legislation; he was clearly aiming at a compromise which preserved a significantly oligarchic element while giving the people enough to appease their immediate grievances. However, the tradition that the casting of lots had some part in the selection of Archons under Solon was accepted by at least some of the fourth-century historians of Attica.

The use of lot is attested at an early date (e.g. Homer, *Iliad* VII,161ff), where its purpose was to leave a decision to the will of the gods and to avoid responsibility for invidious decisions. Solon's reforms must have led to controversies in the course of elections, and it is conceivable that VIII,1 might be right (and a deliberate correction by Aristotle of the views which he expressed in the *Politics*). It seems more likely that under Solon's constitution the Archons were elected, and the idea of an element of selection by lot arose in the course of the political theorising at the end of the fifth century; it may have sprung from the pre-conception that Solon was the 'father of democracy' combined with the known democratic nature of the use of the lot in selecting magistrates. It is perhaps worth noting the suggestion that Aristotle's detailed interest in the Archonship argues that he had access to a monograph on the subject.*

One may accept without hesitation the statement that in Solon's day the Treasurers—that is, the Treasurers of Athena, who were in charge of the main state treasury—came from the highest of the four property classes, but that there was an element of lot in their selection then as there was in the time of Aristotle is virtually unthinkable.

The next section (VIII,2–3) fills in some of the background to the reforms. The nominating power of the Areopagus 'in early times' is extreme; such unfettered control, if historical, must have belonged to a very early period of Athenian history. The tribal structure appears to be historical, and to be of very early origin. The *trittues* and *naukrariai* were apparently administrative subdivisions, but virtually nothing is known about them; Herodotus mentions the Prytanies of the *naukraroi* (V.71), but Thucydides apparently contradicts him (I,126,8). In the absence of the opening chapter(s) of the *Constitution of Athens*, which might possibly have cast some light on the subject, nothing useful can be said.

Hignett launched an all-out attack on the existence of a Solonic *Boule*, regarding it as a mistaken reading back of the Cleisthenic *Boule* into the time of Solon, with the numbers adjusted to harmonise with four tribes rather than ten.† The substance of his attack rests on the following points: first, it is unlikely that the Athenians were politically mature enough to handle such a constitutional innovation; secondly, there is very little for the *Boule* to do in the constitution of Solon as described by Aristotle and Plutarch; thirdly, there is very little evidence about the supposed *Boule* at all. The first point, however, begs the question of what it did do, about which we know nothing. Secondly, it must be remembered that it is the details of constitutional practice about which Aristotle is least sure, and therefore presumably about which there was the least reliable information available; one might reasonably expect the *existence* of such a council to be remembered, but its functions forgotten. Further, if the *Ekklesia* had a more regular part in decision-making, there was presumably need, then as later, to prepare matters

* On the Archonship, see further XXII,5 with Commentary.

† *A History of the Athenian Constitution*, 92ff.

for its agenda; there is no suggestion that the Areopagus did this, yet this is exactly what Plutarch (*Solon* 19) says the *Boule* did do—though this again may be reading later practice back into the sixth century. Plutarch also says at one point (*Solon* 19) that Solon 'established' the council of the Areopagus; this is manifestly wrong (as Plutarch himself showed; *ib.*) but may conceivably cover a renaming of that council: until the new *Boule* was established, the Areopagus would have been called simply 'the *Boule*' ('the council'), since it was the only council in the state, while thereafter there was need of differentiation—hence the new name. Finally, Plutarch says (*ib.*) that Solon wished the state 'to be moored to two councils like anchors, supposing that the city would be less tossed by storms, and the people more tranquil'. The suggestion that some lines of Solon lie behind this is attractive. Hignett points out that it is surprising that Plutarch did not actually quote him; but, to take a parallel case, Plutarch, *Solon*, 15,1 is surely based on something Solon wrote, although it is not a verbatim quotation. Some sort of restraint on the people was needed after the reforms, and the Areopagus could hardly be relied on to give the new order a fair chance since it consisted of *eupatridai* who were life members. A detailed analysis of all the arguments on this thorny problem is beyond the scope of the present commentary; the safest conclusion seems to be to accept the ancient authority for the existence of a Solonic *Boule*, while remembering that there are grounds for doubt. To accept its existence does not imply that it bore any resemblance in composition or tenure of office to its successor under Cleisthenes. It is quite possible that membership was for life, and that its function was as much to counterbalance the Areopagus as anything else: the members of the Areopagus also had life tenure, and would at any rate immediately after Solon's reforms have been virtually all old aristocrats.

The general position of the Areopagus outlined in §4 is very much what one would expect for an aristocratic council; perhaps most interesting and informative is that Solon was prepared to leave it so much unchecked power; cf. on XXV below. The functions ascribed to it do not in any way overlap with the preparatory work which may have belonged to the Solonic *Boule*; the latter would have been the innovation, the Areopagus the stabilising factor preserved from the previous constitution. The law mentioned in §5 is described by Plutarch as 'peculiar and unexpected'; he says that the motive was to prevent indifference or apathy. Surprising it certainly is, but since it is a legal provision rather than a constitutional matter, it was probably included in the published body of Solon's law, and is therefore more likely to be genuine than if it had been a constitutional change.

IX In his *Politics* Aristotle stresses that Solon gave the ordinary people the necessary *minimum* of power, while Plutarch (*Solon* 18) stresses the importance of the right of access to courts; both were vital in the powers and preservation of the later democracy, not least because anyone might now attempt to get any wrong righted in court, and because the

magistrates were now ultimately accountable to the people; cf. Aristotle *Politics* 1273 b 41, 1274 a 16. It is in this sense that Aristotle rightly calls them the 'most popular features'; what he does not mean to imply is that Solon's constitution was a democracy, as is made quite clear by the quotation from Solon's own poetry at XII,1. The banning of loans on the security of the person was popular in that it preserved the citizen's liberty; to us it would seem an essential prerequisite for democracy rather than an actual democratic feature.

The remainder of the chapter is taken up with stating and refuting a misrepresentation of Solon's purpose which probably sprang from oligarchic circles; it is recorded similarly, and similarly rejected, by Plutarch (*Solon* 17); again, probably an echo of late fifth-century controversy which was accepted by the historians of Attica.

X The changes in measures and weights described here have traditionally been explained as an attempt to bring Athens into line with the standards used by Corinth, which was at the time the major trading power of Greece, particularly in the wealthy and growing western market. To assess exactly what Aristotle refers to, each 'increase' must be taken separately.

The increase in measures refers to the fact that Athenian measures were larger than those which Pheidon (of Argos) was supposed to have instituted; this, then, was an absolute increase in their size. Turning to the second 'increase', it is important to remember that the mina and drachma were measures of weight before they were units of money. Aristotle's account here could be taken as meaning that the new mina contained 100 drachmae instead of 70, and that the drachma remained constant. On the other hand, Androtion (preserved in Plutarch *Solon* 15) says explicitly that Solon redivided the mina into 100 (smaller) drachmae instead of the earlier (larger) 70, and thus the weight of the mina remained constant while that of the drachma was reduced. Since Androtion is explicit, and Aristotle's account can equally be understood this way, this interpretation is to be preferred.

Turning to coinage, it is now generally believed that Solon cannot have been responsible for any change because Athens did not mint coins officially until the last quarter of the sixth century, and unofficially minted coinage (of which some specimens survive) did not exist in Solon's day in any significant quantity, if at all. There may well, of course, have been a few coins in the city brought in by trade, but they were a rarity and cannot have been widely used in commercial life, and could not have been affected by any enactment of Solon because they were not of Athenian origin. Whatever its date, the 'increase' referred to by Aristotle is specifically related to the fact that the archaic unit of coinage had been the didrachm, a two drachma piece; it appears therefore to have been an increase in the face value of the coins issued, for in the historical period (with one insignificant exception soon after 480) there was no Attic coin between the tetradrachm (four drachmae)

and the drachma.* The changes in weights referred to in the last sentence of §2 correspond to a decrease in the value of the mina by 5% for the purpose of minting coins; in other words, the cost of minting was offset by this reduction in value of the precious metal in the coins, and coins were no longer the strict equivalent in value of the same nominal weight of uncoined metal.

The changes affecting the coin standards must have taken place much later than Solon, at the earliest in the last half of the sixth century. There is, in fact, no compelling reason to accept any of these reforms as being Solonian; their inclusion in Aristotle's account merely proves the existence of a tradition in the fourth century that these 'increases' were made by Solon, a tradition which has been seen as 'a worthless aetiological invention, intended to explain the difference between the Aeginetan and Attic minae'. It is certainly difficult to produce a convincing explanation of what the reforms of measures and weights achieved or were aimed to achieve.†

Note that Aristotle separates the measures discussed in this chapter both from the 'democratic' reforms of the previous chapter and also from the cancellation of debts, which he places before Solon's main legislation. In this respect his account is superior to that preserved in Plutarch.

XI Solon pleased neither side, as often happens after a compromise; how much he achieved his extraordinary appointment by hinting to both sides that they would do well if he were given the power to bring in reforms must be a matter for pure speculation—as it must equally have been at the time when the first accounts of his reforms were written down in Athens. The tradition of his travels is widespread in the ancient sources; Herodotus (1,29–33) tells of a visit to Croesus while he was away from Athens. His motives were sensible: the Athenians had agreed to abide by his legislation for a period (on its length, see above on VII), and so, if they wished for change, presumably their only hope was to persuade Solon himself to advocate it. The best chance there was of achieving a lasting settlement lay in giving the new arrangements a reasonable trial period.

XII The concluding chapter of the description of Solon's reforms consists of a series of illustrative quotations from his own writings, covering much of what he did or was expected to do. They require little comment, but show clearly his moderate approach; his attitude to the people is very different from that of the fifth-century democracy. At the same time, it is inestimably valuable that Aristotle chose to sum the section up in Solon's own words rather than his own.

* This underlines how little coins had to do with everyday life; a tetradrachm would have covered the ordinary living costs of an Athenian family of four for perhaps eight days in the fifth century.

† On this very complex chapter, see M. H. Crawford, 'Solon's alleged reform of weights and measures', *Eirene* X, 1972, 5–8, with the works cited there.

The 'markers' in §4 are the stones which were placed on land to indicate that it was encumbered; their removal was symbolic of the *seisachtheia*. The Greek word translated as 'debt' has this meaning if it is χρείους; if it is χρεοῦς, it means a more general form of obligation. The last few lines of this poem indicate that Solon believed that civil war was the only alternative to his compromise.

XIII The outbreak of strife followed fast on Solon's departure, underlining the basic weakness in his economic measures, and perhaps indicating dissatisfaction with his political settlement. On the economic side, it was one thing to remedy wrongs such as enslavement for debt, and to cancel debts; it was another to solve the economic problems which had led to the crisis. Solon had done the first, but had done relatively little to help those whom he had freed from debt or bondage to make an adequate living. There is little doubt that many of the poorer citizens had hoped for a full-scale redistribution of land. One may deduce from the fact that the bulk of Athenians in the fifth century were peasants, and the total absence of any reference to redistribution of land under the tyranny which must show that no redistribution took place then, that when Solon removed the 'markers' on the land, the men who were farming it received it as their own, free of the obligations represented by their previous status as *hektemoroi*. This was not a redistribution in the full sense, and many farmers must have been subject to the same economic stresses which led to their becoming *hektemoroi* earlier. After Solon, however, they must have also been in difficulties because it must have been harder to borrow, both from lack of security to pledge against the debt, and because lenders would have been very cautious after one cancellation of debts not to be caught by another. On the other side, while the upper classes must have been relieved that the land had not been redistributed, many who had suffered loss by the reforms were angry (XIII,5), and others did not like the widening of the political base of the city. It would have been miraculous if Solon's reforms had been more than a temporary palliative since they did not deal with long-term problems, adequate as they were as an immediate relief measure. That Damasias should have attempted to make himself tyrant—the only plausible explanation of his retaining the position of Archon for two years and two months—argues that the discontent was strong, and that for a period he was able to muster considerable support; years with no Archon elected indicate the same sort of tension. Aristotle rightly stresses the importance of the Archonship because of the strong contrast with the later fifth and fourth centuries, when the holder had become little more than a figurehead with purely formal duties.

The chronology of the period is highly obscure. The problem starts with the date of Solon's reforms. It was assumed above that they coincided with the date of his Archonship; there are two points here. First, his Archonship is normally dated 594/3, though it may have been 592/1; the second date is not well supported, and would be disregarded

were it not for the fact that it would make some of Aristotle's later chronology (e.g. xiv,1) a little easier to disentangle. However, this is not a sufficient reason for abandoning it; 594/3 deserves as much confidence as we can place in most dates as early as this.

The second question is radical: did Solon produce the reforms in the year of his archonship? There is no intrinsic reason why he should have done; it is clear that he held an unusual position, and did not depend solely on the powers of an Archon. It might be argued that the Athenians would not have entrusted such sweeping powers to a young and untried man; they would be much more likely to pick a fairly senior ex-Archon of proven ability. Hignett* has tried on this basis to date Solon's reforms to the 570s, arguing that the disorder described in the *Constitution of Athens* makes much more sense as a prelude to them rather than a sequel. Some of the people Solon is supposed to have met on his travels after his reforms were alive at a date much later than 593–84. A further factor is that Plutarch (*Solon* 14 and 16) says that there was an interval between the *seisachtheia*, passed in Solon's archonship, and the other legislation.

On this basis, it has been suggested that the *seisachtheia* belongs to 594/3 but the other reforms to 592/1; this accommodates the dating suggested by xiv,1, and is attractive in a way, but Hignett and others have shown that Plutarch is not to be relied on here, and that the unanimous tradition of the sources behind Apollodorus' chronology, and therefore the local historians of Attica, agreed on the year 594/3 and ascribed Solon's reforms to this year. This should be accepted tentatively, but entails either redating the archonship of Komeas (xiv,1) —unlikely— or assuming an error in the transmission of the date for Solon implicit in that passage; this is the probable solution, particularly in the light of the evidence which will be adduced below to show that there is significant confusion in Aristotle's chronology of Peisistratus, perhaps compounded by actual manuscript errors in the transmission of the text.

The improbability of some of the tales connected with Solon's travels need not detain us; such stories often gathered around famous names from the past and had no respect for chronology.

The dates referred to in xiii,1–2 may, then, have been as follows:

Solon leaves Athens ?593 (though perhaps one should date this later and divorce his travels from his legislation).

Anarchy 590/89
(in all probability an Archon was elected, but the election was later held void because of irregularities)

Anarchy 586/5 (ditto)

Damasias Archon 582/1; 581/0; two months of 580/79

In xiii,4–5 Aristotle divides the Athenians at that time into three parties with conflicting aims. The 'Shore' is said to have followed a

* *A History of the Athenian Constitution*, 316–21.

'middle of the road' policy; it is a reasonable conjecture that they supported the Solonian position, and were therefore in favour of the status quo. This is the most reasonable interpretation of 'middle' in Aristotle's context—the other parties wanted changes, one in a reactionary direction, the other towards more radical reforms. It is interesting to find an Alcmeonid leading them; whatever the date of their expulsion for the Cylon affair, they were back now, and played an important if slightly erratic role in the succeeding decades. The 'Plain', the party of Lycurgus, was naturally oligarchic; they farmed the best land in Attica, and were probably among the wealthiest Athenians; they wished to abolish the more radical of Solon's measures. The 'Uplanders', led by Peisistratus, drew support from the poorer lands of Attica and the outlying districts (beyond the hills bounding the plain, not on top of them); no doubt many of them had gained from Solon's reforms, but many would have hoped for more, in particular some share of the richer land. In addition, Peisistratus assembled behind him all the discontented elements and those apprehensive of the dominance of one of the other two parties. On the later revision of citizen lists after the tyranny, see below on XXI.

PEISISTRATUS

XIV The war against Megara, in which Peisistratus may well have been Polemarch, probably occurred about 565. Thereafter, having collected the main discontented groups behind him, Peisistratus used a not uncommon stratagem to obtain the tyranny; compare Dionysius I of Syracuse. Once he had his bodyguard, he was in a position to seize power. The date of this seizure was in all probability 561/0; accepting this date involves either emending 'thirty-second' to 'thirty-fourth' at the end of XIV,1 (not a hard change), or assuming that Aristotle made a mistake; since the latter is by no means impossible, I have translated the text unchanged. The suggestion that Solon took any part in the events is not likely, particularly if one accepts that his Archonship was thirty-four years earlier. He was known as the man whose reforms attempted to forestall the danger of tyranny in Athens and who had refused himself to take the opportunity of becoming tyrant. A story that he protested at Peisistratus' seizure of power was a very easy and likely invention.

The remaining half of the chapter brings us back to the problems of chronology. Aristotle's data represent the following sequence: tyranny seized 561/0; exiled 556/5; returns in league with Megacles 545/4; exiled 539/8 (XV,1)—and yet he did not rule for 'a long time' at this point; last return 528/7 (XV,2) after the battle of Pallene. He died in 527/6—and yet his last period of rule was said to be his longest. There is clearly something drastically wrong with this sequence. Even if one takes the 'twelfth year' of XIV,4 as being calculated from his first seizure of power, not his first exile, the return would be in 550, the second exile in 544, and the final return in 533, leaving only six years for his final period of rule. Finally, these figures cannot be reconciled with the

stability implicit in XVI, or with XVII,1, where it is said that he lived for thirty-three years after the first seizure of power, and had ruled for nineteen years of the period. (Aristotle, *Politics* 1315 b 32, gives 17 years rule). Herodotus gives a different series of figures in which there are again inconsistencies.

There is no certainty that any truth at all lies behind the conflicting chronologies offered by the sources; if there is any basis of fact to them, the following tentative ideas may be suggested. There is no compelling reason to question the date of Peisistratus' first seizure of power, and there is agreement that Hippias, his son, was expelled in 511/10. The period of thirty-six years given by Herodotus (V,65) almost certainly refers to the period of uninterrupted rule by Peisistratus and his sons, and therefore suggests that Peisistratus's final return from exile was in 546/5. These dates have enough basis to be accepted cautiously; any further suggestions must be hypothetical, though it is probably a fair guess that the return engineered by Megacles did not last long; it is unlikely to have taken Megacles seven years to discover that Peisistratus was not treating his daughter as a true wife, and Aristotle himself says that Peisistratus did not rule 'for a long time' on this occasion.*

Two important points should be noticed. First, Peisistratus was not a tyrant in the modern sense of the word, but in the Greek sense—a ruler who was not a member of a hereditary dynasty. Throughout his period of power it appears that Peisistratus was outwardly an ordinary private citizen, though he had the threat of military force to fall back on, and must have discreetly controlled the election of Archons, and through them legislation. Secondly, it was not until Peisistratus had won the tyranny in an effective and clear-cut way by the battle of Pallene that he was secure in his position. Thus the other factions must have been significant and capable of organising effective opposition. Accepting the tradition that Peisistratus was the champion of the oppressed and did a good deal to improve their lot, we may deduce that the old aristocratic and wealthy families could still count on solid support from many of their retainers to back them in political action. This deduction will be supported, and will be important, in the discussion of the conflict surrounding Cleisthenes' reforms.

The story of Phye (cf. Herod. 1,60) is an excellent one, but whether it is to be taken literally is another matter; however, it is by no means impossible, and its sheer audacity perhaps lends it some credibility.

XV The opening of the chapter is over-compressed. Peisistratus was afraid of *both* groups because the one was already hostile, and he lost the support of Megacles and his followers because of his treatment of his daughter.

This chapter shows two important developments. First, Athens was

* Further investigation of this topic is almost as conjectural as it is complicated; those wishing to pursue the matter are referred to the standard histories and their bibliographies.

now for the first time looking overseas; she had not taken part in the main waves of Greek colonisation in the eighth and seventh centuries, probably because Attica was large and fertile enough to support the population, but Peisistratus extended her influence to Rhaecelus and the valley of the river Strymon, and also Mt. Pangaeus. The region was potentially wealthy; Mt. Pangaeus had extensive precious metal deposits, and the whole area was heavily forested, and later produced abundant timber. The immediate attraction for Peisistratus was as a source from which to finance his return to Athens, and Herodotus relates the later stability of the tyranny in part to this source of wealth. Peisistratus then built up allies among oligarchic states, hired mercenaries and obtained the support of Lygdamis, an adventurer hoping to get control of Naxos, and in this way returned with a strong army with which he recovered power. Henceforth he was firmly in the saddle, backed by allies and money, and with hostages being held for him by Lygdamis, whom he had installed as tyrant of Naxos. To disarm the people was a natural action for one in his position, but whether the story of how he did it, plausible as it is, is apocryphal or not cannot be determined, cf. below on XVIII.

XVI Athenian tradition looked back to Peisistratus' reign as a golden age (§7), and Aristotle reflects the general attitude. There is little doubt that for the great majority of Athenians Peisistratus brought just the combination of stability and reform which was needed at this point in their history. Very few were exiled; only the most inveterate opponents retired, perhaps in many cases of their own free will. It is even doubtful whether their land was confiscated, since at least some members of families who had opposed the tyranny later returned and held the Archonship, notably the Philaids Cimon and his son Miltiades (Archon 524/3) and Cleisthenes the Alcmeonid (Archon 525/4); they must have been able to meet the property qualification in order to hold office. Peisistratus presumably followed the practice which Thucydides ascribes to Hippias (VI,54,6) of ensuring that the right people held the Archonship; this would also ensure a reasonably benevolent Areopagus since Archons automatically became members of that body. Otherwise, the constitution of Solon continued unchanged as far as we know; a period of stability in which two generations could get used to greater responsibility in government probably contributed significantly to the political maturity of the Athenians, which in its turn enabled them to adopt and put into practice immediately the more far-reaching reforms of Cleisthenes. In describing Peisistratus as ruling 'constitutionally rather than as a tyrant' Aristotle uses the word 'tyrant' in the fourth-century sense. Peisistratus interfered as little as possible with the existing political machine; he superimposed his own power on it, and kept it running, just as the Romans changed as little as possible of the previously established local government in new provinces. He was perhaps fortunate that Solon had already substantially restructured it.

Peisistratus's economic measures (§§2–4) remedied the troubles which had led first to Solon's extraordinary appointment and then to his own rise to power. Granted that his precarious position in the first few years argues that the crisis was not as pressing as in some other states, none the less a good deal needed doing. The encouragement of agriculture benefited in particular those who had originally supported his rise, for they were the farmers with the poorer lands, and therefore those who needed assistance to put their farms in working order. No doubt both motives ascribed to his generosity in this respect are valid inferences, but there is little doubt that the second (to ensure that the people had enough to live on) was the more important. It is surprising that Aristotle does not mention Peisistratus' buildings in this context (cf. Aristotle *Politics* 1313 b 20ff), particularly the temple of Olympian Zeus below the Acropolis which was such a huge undertaking that it was not finally completed until 700 years later under Hadrian. Such grandiose public works have an element of propaganda, but they also provide some jobs; Julius Caesar's building program in Rome is an obvious parallel. No doubt the increased revenue which resulted from greater prosperity was welcome to Peisistratus (and must have helped to pay for the building), but neither that nor keeping the people too busy to have time to think of sedition are key considerations; apart from righting political wrongs, a tyrant keeps his people happy above all by providing them with an adequate income and a stable economic situation so that they can recognise that they are better off than they were before.

The magistrates of the demes were an admirable institution which brought justice to the people; the trouble involved in the journey to Athens, on top of the uncertainty inherent in any lawsuit, must have been a considerable deterrent to those suffering minor injustices. The system was abolished after Peisistratus, but revived again in 453 (xxvi,3). It was all part of his concern with the welfare of ordinary people, particularly the country-dwellers, which Aristotle is at pains to illustrate here by mentioning his travels and including the 'improving' anecdote about the farmer on Hymettus, of which the moral is: 'a good tyrant is human and just'; compare the story that he was even willing to answer a summons in a court of law—though the fact that his accuser lost his nerve may be as informative as the fact that Peisistratus was prepared to attend. For the rule of his sons (xvi,7), see below on xviii–xix.

The whole drift of this chapter contradicts the impression given by Aristotle's chronological data that the tyranny was insecure and that there was significant opposition—'he remained in power for a long time, and when expelled recovered his position easily' (xvi,9). The fairness of his rule combined with the restraint which apparently allowed the nobles to retain their lands (which could be later used as the equivalent of hostages) were wise decisions.

In §10, the law against tyranny is said to be mild; in the fifth century the penalty for attempting to overthrow the democracy was death and

confiscation of property. It appears that Aristotle was misled by the later meaning of *atimia* ('loss of citizenship'); in the sixth century a man sentenced to *atimia* was an outlaw who could be killed with impunity.

XVII The chronology has been discussed above (see on XIV), and Aristotle must be right to reject the alleged connection between Solon and Peisistratus. Border wars with Megara must have been frequent occurrences, and the error presumably arose because the one in which Peisistratus was involved was confused in folk memory with the more important occasion in the 590s when Athens fought Megara for Salamis.

The marriages of Peisistratus are complex, and it is more than probable that he married his Argive wife Timonassa bigamously. Both Aristotle and Herodotus (V,94) imply that the marriage to Timonassa was not a legal marriage, but they may well be reading back into the sixth century later attitudes; there are parallels for bigamy as at least tolerated in the earlier period. Hippias and Hipparchus, the sons of his Athenian wife (whose name is unknown) were much older than Thettalos, one of the sons of Timonassa (XVIII,2), which argues that he married her before Timonassa, whom he married not long after his first seizure of the tyranny. Hippias and Hipparchus were at least in their teens at the time of the marriage with Megacles' daughter (Herodotus I,61). Note that Thettalos was clearly a separate person, not another name for Hegesistratos (§3); see Gomme, Andrewes, Dover on Thucydides VI,55,1 (*Commentary* IV,333).

XVIII The story of the end of the tyranny (XVIII–XIX) was obviously of great importance to the Athenians, and it is given at length by Aristotle. He seems to have combined two accounts which to some extent conflict: one appears to have given all the credit to Harmodius and Aristogeiton, the young aristocrats who killed Hipparchus, while the other stressed the part of the Alcmeonids in bringing about Spartan intervention and the final expulsion of Hippias. That there was conflict is shown by the polemical tone of Thucydides' digression on the subject (VI,54–59); he is specifically aiming to correct erroneous impressions, notably that Hipparchus was the ruler. Herodotus (V,55) agrees with Thucydides, and one must assume that a contrary version was current in the fifth century, perhaps adopted by Hellanicus, and that this provoked Thucydides' contradiction. It may have originated with propaganda aimed at devaluing the efforts of the Alcmeonids, which drew from the fact that Hipparchus was killed, not Hippias, the superficially plausible deduction that he had been the tyrant; thus the glory for 'ending' the tyranny could be ascribed to the Tyrannicides if one was prepared to overlook the significant point that the tyranny did not *in fact* end until three years later, or to redate the death of Hipparchus and disregard the last three years of the rule of Hippias, as was done by the compiler of the *Marmor Parium*, a third-century chronological inscription. Aristotle is the first extant source to mention the compromise

version that the brothers ruled together (xviii,1), but even he is clear that Hippias was the older and the more serious, and the whole tenor of his account suggests that Hippias had the real power.* However the key fact, which for obvious reasons was played down in Athenian traditions, was that it was not the Athenians, but the Spartans who (of all people) overthrew the tyranny of Athens.

The general outlines of the story of the conspiracy are the same here as they are in Herodotus and Thucydides, but details vary. Thucydides states specifically that the rejected lover was Hipparchus, not Thettalos (vi,54,3), that there were few conspirators (vi,56,3), and also that they selected the Panathenaia for the attempt expressly because that festival was one of the few occasions on which the citizens were allowed to carry arms (vi,56,2). On the first point there is no means of knowing the truth; on the second, Aristotle's version is supported by reference to a later change of practice, but this is not totally convincing since the law might have modified the existing custom rather than reversing a total ban on the carrying of arms. Aristotle may, none the less, be right to reject the story of the disarming of the procession and the search for daggers, for it looks suspiciously like a doublet of the story of how Peisistratus disarmed the people in 545 (xv,4). The earlier story is the more probable, and could well have been repeated in the sources as a plausible piece of embroidery attached to a not unlikely search for hidden weapons on the second occasion. The fact that they were searching for daggers casts some doubts on Thucydides' account, for if they had selected the Panathenaia as being an occasion on which they could legitimately be armed, why bother to carry hidden weapons?

The story of the fate of Aristogeiton after the murder of Hipparchus cannot be confirmed or denied; the involvement of Hippias in his actual death is perhaps suspicious, and some have gone so far as to deny the whole story as a later fabrication. Finally, the implied criticism of Hipparchus (§1) is perhaps an anachronism. The contrast between one serious and one frivolous brother is a cliché, and to base the criticism on the fact that Hipparchus brought poets to Athens is out of tune with the general policy of the tyranny, one of whose glories had been to encourage the arts. None of these points casts doubt on the main thread of our story, but it should be remembered that the basic unanimity of our sources is not as cogent as it appears at first sight, for it shows only that there was a generally accepted version current some seventy-five years after the event.

On small points, basket-bearers were a normal part of many religious processions, and were usually the daughters of distinguished families; compare Aristophanes, *Lysistrata* 646 and Theocritus ii,66. The Parthenon frieze represents the Panathenaic procession; see, for example, the British Museum's *An Historical Guide to the Sculptures of the Parthenon*, 22ff. The Leokoreion was a memorial to the three daughters of Leos, probably situated in the Kerameikos.

* For detailed discussion, see Gomme, Andrewes, Dover, *Commentary* iv, 317–29.

XIX Aristotle agrees with Herodotus (v,62) and Thucydides (vi,59,2) that the death of Hipparchus led to increased severity in the rule of Hippias, and one must assume that the present passage is intended to be a more precise account than the general (and contradictory) remarks at xvi,7 and xvii,3. In the deterioration into what we should call tyranny, the Peisistratids followed the pattern normal for Greek tyrannies; hardly any 'dynasties' survived the second generation.

The story of the expulsion of Hippias is told in greater detail in Herodotus v,62–5, an account which Aristotle appears to be following. Herodotus vi,123 says that the Alcmeonids were in exile throughout the tyranny, and 'Peisistratids' at v,62,2 *may* also include Peistratus himself. However, this cannot be right; assuming, as seems likely, that the Cleisthenes who was Archon in 525/4 was the later reformer, the Alcmeonids must have been exiled at some date after his Archonship. It is said that they led the exiles, and there is no indication that Cleisthenes had deserted his family and become a supporter of Hippias; if he had, it would be quite remarkable to find him so influential in Athens so soon after the expulsion of the tyrants. Philochorus (Jacoby, *F.Gr.H.* iii B 328 F 115) says that it was the sons of Peisistratus, not Peisistratus himself, who exiled them; it is tempting to relate their exile to the aftermath of the murder of Hipparchus.

Little is known of the attempt centred on Leipsudrion, though the disaster probably explains the switch from military action to diplomatic pressure by the opponents of Hippias. From the fact that the first Spartan attempt to unseat the tyrants was made in 512/11, only two years after the plot of Harmodius and Aristogeiton, and the clear implication of the authorities that it took some time for Delphic pressure to produce action in Sparta, one must date the Leipsudrion attack very soon after the plot, perhaps in 513. The sequence in which the stories appear in the sources is against putting Leipsudrion before the plot. The place itself has been identified with the ruins of an ancient fort on a ridge running down from Mt. Parnes. An Alcmeonid attempt to return by force shortly after their exile is more plausible than a long period of quiescence, though there is too much hypothesis in the whole of the reconstruction of the chronology for any certainty.

The rebuilding of the temple at Delphi, as so many other aspects of the history of the period, featured in both pro- and anti-Alcmeonid sources. The Alcmeonids undertook the contract to rebuild the temple after it had been destroyed by fire in about 548; subscriptions had been invited from as far away as Egypt (Herodotus ii,180). Herodotus (v,62) emphasised Alcmeonid generosity, noting that, having contracted to build in ordinary stone, they built the façade in Parian marble at their own expense. In the hostile propaganda they are represented as having made a large profit out of the contract. Herodotus is probably right; it is not surprising to find Aristotle accepting the anti-Alcmeonid (and therefore broadly anti-democratic) version; to make an undue profit is a curious way to attempt to win the support of the authorities at Delphi, and slender evidence suggests anyway that the Alcmeonids got their

wealth from the east. The only conceivable way of reconciling the two stories is suggested by a contract for building a temple on Delos (*BCH* XIV,389); the contractors were to receive a half of the price on signing the contract, and another four-tenths when they had completed half the work. The theory has been put forward that the Alcmeonids misused the funds they received for building the temple in order to finance their attempt against Hippias, and then added the marble façade as a sort of *amende honorable* after 510, when they had recovered their lands and were comfortably in a position to repay the money they had misapplied. It is known from the Philochorus fragment referred to above that the temple was not completed until after 510. However, the suggested way of reconciling the two stories is a desperate solution, and it is more likely that there is no relation between them.

The Delphic authorities gathered information highly efficiently, and probably gained their reputation for prescience as much because they used this information well as for any other reason. Their knowledge gave them the ability to predict political moves with a greater likelihood of success and often to support the side which came out on top. The oracles advocating action against Hippias accorded well with what was by then the general policy of Sparta, to support oligarchies in the states where she had influence and to discourage tyrannies in so far as she could. The Delphic authorities therefore knew that their advice was likely to be acted upon. The Argives were traditionally enemies of Sparta, and the Peisistratid alliance with them would certainly have contributed to Sparta's decision. Argos had been severely defeated at the battle of Thyrea in 546, but must have been recovering by 515–10, for Sparta had to fight her again shortly after 500 at Sepeia.

Athens had an intermittent and not very effective alliance with Thessaly, an area which was more backward than much of Greece, and still under a loose, feudal type of constitution. Cavalry was the strong point of the Thessalian army, and this explains their success against Anchimolus, who made the mistake of attempting to land in the only area suitable for the use of horses in Attica in the face of the most experienced Greek cavalry force.

Cleomenes was much more successful than Anchimolos, and shut Hippias up on the Acropolis. The Pelargic Wall (not Pelasgic, as it has sometimes been incorrectly emended) was a vital part of the early defences at the north-west end of the Acropolis; it is described as 'nine gated', which implies nine layers of defence within each other, not nine separate entrances in the wall. It was probably destroyed by the Persians; the area was an open space in the later fifth century. The fortifications were very strong, and there is no reason to think that Hippias could not have held out for a long time but for the unfortunate accident of the children's capture. Herodotus (V,65) is probably Aristotle's source when he talks of 'children of the Peisistratids' rather than the 'children of Hippias', as Thucydides (VI,55,1). Similarly, in the prelude to the Marathon campaign, Thucydides concentrates on Hippias alone, while Herodotus again talks of the Peisistratids. That Hippias was in a

fairly strong position even after the children had become hostages of the enemy is underlined by the fact that he and his family were given five days to collect their goods, and were allowed to take their private property out of Attica. They retired to Sigeum near the Hellespont, which remained in their hands until 490 at least.

Hippias was expelled in 511/10. Assuming that Aristotle's dates were calculated exclusively, seventeen years from the death of Peisistratus is accurate, but 'forty-nine years earlier' gives us 560/59, a year later than the probable date for Peisistratus' first accession. The dates and figures given cannot be reconciled exactly, but the discrepancies are not so great that one is forced to abandon the pattern he gives us. While it is not surprising that there was some doubt by Aristotle's day about dates so long ago, it *is* perhaps a little surprising to find the scientific and very precise Aristotle not being consistent with himself. This may well be an indication that the book was not fully revised before publication.

CLEISTHENES

XX The two leading contenders for power after the expulsion of the Peisistratids must have made their mark during the later years of the tyranny; Cleisthenes had probably been Archon fifteen years earlier, and it is a reasonable hypothesis that he played a leading part in the events of 511/10. Isagoras is called a 'supporter of the tyrants', but if this had been true he could hardly have been influential so soon after 510. Aristotle has schematised the divisions in the state into two groups, the 'enemies of the tyrants' who had led the exiles, and the 'friends of the tyrants' who had stayed in Athens and acquiesced in their rule. It is much more likely that the divisions among those influential in the years immediately after 510 fell within the group which had opposed the Peisistratids at least in the last few years of their rule.

It is interesting that Peisistratus became tyrant with the support of the poor, and returned after his first exile with the backing of the Alcmeonids, while the latter were instrumental in securing the expulsion of Hippias. It appears from Isagoras' proposals (below) that he was a reactionary who hoped to turn the clock back to a pre-Solonian constitution. The Alcmeonids have been frequently accused of political time-serving, but it appears from the above sequences that they followed broadly the same policy in the 550s as they did forty years later; Hippias had become more reactionary (see XIX,1).

Secondly, it is important to realise that Aristotle does *not* say that Cleisthenes was at this stage in favour of a democracy or anything like it, and Herodotus states positively that he was not (V,69,2). The struggle is said to have been waged in 'the political clubs'. These clubs were intermittently active in Athenian history, and later became centres for oligarchic discussion and planning, particularly against the radical democracy. It appears that the start of the battle between Isagoras and Cleisthenes was a struggle for power between two oligarchic faction leaders. The Spartans traditionally favoured constitutional government

against tyranny; the Solonian constitution, in which the essence of power was concentrated in the hands of the relatively well off, would have satisfied them. Isagoras apparently wished to narrow the group holding power. Cleisthenes introduced the proposals which led to democracy as a counter move when he had lost the tactical battle to Isagoras—'he won the support of the people by promising them control of the state'. In other words, the move which led directly to the Athenian democracy (and all that that implied for the future of political thought and practice) arose as an *ad hoc* attempt to retain power in a faction fight between two oligarchs. However, once the move was made, the working out of the complicated system eventually implemented involved a great deal of careful and precise thinking.

Isagoras retorted by calling on Cleomenes to interfere again, and used the 'curse of the Alcmeonids' (see above on i) as an excuse. Cleisthenes did not wait for the outcome, but retired into exile before Cleomenes arrived. The 700 families forced to join him were presumably his political adherents—indicating wide support if there were so many who were significant enough to exile. The constitution proposed by Isagoras was a very narrow oligarchy with a ruling body of only 300. We do not know which *Boule* Isagoras and Cleomenes attempted to dissolve; some have held that it was the *Boule* of Solon, others the Areopagus. The latter is perhaps more likely since it probably had considerable power, whereas the functions of the Solonic *Boule* would not have been very significant under an oligarchy. Further, effective opposition would have been more likely to come from a council of ex-Archons, most of whom would have been at least passive supporters of the tyrants (see above on xvi).

Cleomenes must have underestimated the problem, for he was caught with too small a force to control the situation when the Athenians rose against him and Isagoras—provoked we may guess at least as much by the second presence of foreign troops in Athens within four years as by Isagoras' proposals. All the events of this period are covered by Herodotus v,66–72 (intermingled with some fantasy linking Cleisthenes with his maternal grandfather, the tyrant of Sicyon); Aristotle appears to depend on the same source as Herodotus, or to be using him directly, for the strictly historical, as opposed to constitutional, part of the account. Herodotus adds that all the Athenians who joined Isagoras on the Acropolis were executed; only Isagoras was allowed to leave with Cleomenes and his men (v,74,1). Cleisthenes returned as 'champion of the people' (see above on ii).

Nothing is known of Kedon beyond what is said here, and the text does not make it clear whether he was an Alcmeonid or not; his attempt may well have been one of those referred to in xix,3.

XXI A summary of the political organisation adopted by Cleisthenes is necessary for the understanding of Aristotle's account and for any attempt to decide what Cleisthenes' purpose may have been. The basic unit chosen for political life was the deme; these small local units of

widely varying size were already in existence throughout rural Attica, and were not unlike English parishes. The City, i.e. Athens and the Peiraeus, had to be similarly divided by Cleisthenes, for there demes did not exist previously. Under the Cleisthenic system there were perhaps about 170 demes in all; they had assemblies and officers, and were responsible for local government in their area. At the other end of the scale, Cleisthenes abandoned the four traditional Ionian tribes as politically active units. This much at least is clear: he wanted to make a complete break from old political divisions and loyalties.

In order to relate the demes to the ten new 'tribes' which he created, he established thirty intermediate divisions which he called *trittues*, which were not, as Aristotle points out, identical with the earlier twelve units with the same name. The *trittues* were divided on a geographical basis into three groups of ten; these three groups bear no relation to the old political divisions of the sixth century.* Since every tribe was to be composed of one *trittus* from each of the geographical divisions, and all tribes were to be of approximately the same size, the *trittues* had to be as nearly as possible numerically balanced. This is the most ingenious part of Cleisthenes' system, for the *trittues* formed an 'equalising bridge' between the numerically immensely disparate demes and the tribes. By allotting a different number of demes to each *trittus*—the sources suggest that the number might range from one to seven—he arrived at a balance. Having thus equalised the numbers, the *trittues* were divided between the tribes, one from each of the three geographical divisions forming a tribe. The change to ten tribes was accompanied by a change in the *Boule*: its numbers were raised to 500, fifty from each tribe. Why he selected ten tribes rather than another number is not clear, for Aristotle is wrong in saying that he could not have had twelve because of the previously existing *trittues*; there was nothing to prevent the creation of twelve totally new divisions. Trimmed of the manifestly fanciful parallels, the account of Herodotus (v,66–72) corresponds closely with that of Aristotle.

The main motive for the reform stressed by Aristotle is protection of new citizens. Just as Peisistratus had earlier championed those who felt their position in danger (XIII,5, presumably referring to those given citizenship by Solon), so Cleisthenes is said to have rallied behind him those whose citizenship was questioned by the narrow oligarchs. Perhaps a significant number had acquired citizenship under the tyranny in ways which would not be recognised as valid under a strict interpretation of traditional rules; how many may have been threatened is unknown. It must be remembered that it was rare until after the fourth century for a Greek born in one city to become a citizen of another; there was no process parallel to the naturalisation procedures available in most modern states. Foreigners were usually welcome to live in a city, but remained aliens subject to legal and tax disabilities; thus the

* For a plan of the geographical distribution of the *trittues*, see W. G. Forrest, *The Emergence of Greek Democracy*, 192.

more conservative elements might, if they got power, annul as illegal grants made by a Solon or a Peisistratus. Aristotle states (XIII,5) that the citizen lists were revised, but this is difficult in the light of the statement that those who were likely to be (or had been) disfranchised are said to have supported Cleisthenes; it is hard to see how they could have done so if they had actually lost their citizenship. They could conceivably have rioted, but the implication is that they had a hand in his recall, which is a political action carried out by citizens. It is remotely possible, though most unlikely, that the revision had been carried out but not put into effect.

Turning to a different aspect of the same problem, until the reform of Cleisthenes it was normal for Athenians to identify themselves by their name and their father's name since a single name was not enough for identification. It is alleged that in this way the newly-arrived citizens would betray their origin immediately, whereas by substituting identification by name and deme Cleisthenes made them indistinguishable from long-established families. Granted that all citizens became officially indistinguishable for political purposes once they had been registered only by name and deme of residence in 508, it is a misunderstanding of the way Athens worked to suggest that the real situation was materially altered; most people knew a lot about many of their fellow citizens, and such a change of official procedure would have done nothing to affect knowledge of a man's family and origin. Patronymics were still widely used (e.g. LXIII,4), and by the end of the fifth century were normally given as well as the name of a man's deme. In addition, the old clans and phratries, membership of which had been an essential prerequisite for citizenship, and which were not open to new arrivals, continued to exist as religious entities even after the reform. Little had really changed for the moment, though it is arguable that in the long term the change did contribute towards producing a homogeneous society.

The real effect of the change lay not in the question of names but in the fact that henceforth the deme was central to political life. The deme assembly was the microcosm of the government of the city as a whole, and the deme was the starting-point for anyone who wished to hold any office in the city; for example, members of the *Boule* and some other officials were originally selected at deme level (LXII,1). As a basic unit for political life, the deme was much smaller and radically different from those used before; thus the reform cut across and broke up old alliances and power blocks. Membership of a deme was hereditary from the date of the reform and original registration. To us in our highly mobile society, this might suggest that political units would shortly be totally divorced from the geographical areas in which people lived; that this is not so is shown by the fact that local government remained in the hands of the deme assembly and its officers—nothing could be more absurd than local government by people who do not live in the area. No doubt some families moved, particularly into the city, but it cannot have been a large proportion of the population.

Further, if Aristotle is right that Cleisthenes placed *trittues* in tribes by lot, this is a most important point. It has sometimes been said that Cleisthenes by-passed the old tribes in order to break the power of the leading aristocrats over their 'retainers', and in particular to destroy the old situation where geographical areas tended to work as single units in politics; compare the political divisions at the time of the rise of Peisistratus. Had this been so, he would surely have planned the distribution of the *trittues* among the tribes to ensure that contiguous areas did not fall in the same tribe, not left it to chance. The exact boundaries of the trittues are not all known, but there are at least three cases where two adjacent *trittues* are in the same tribe. It has further been suggested that the distribution of *trittues* in tribes favoured the Alcmeonids by preserving their areas of influence undisrupted. It is impossible to be sure how important geography was since a *trittus* was primarily a centre of population rather than a precisely defined geographical area, nor can one say that the distribution adopted could not have been the result of the drawing of lots. However, the statistical probability of achieving the distribution adopted by casting lots is low, and it may be that the allocation was 'rigged'. If lots were in fact not cast, one must assume either that Cleisthenes arranged the whole thing under cover of a supposed casting of lots to conceal what he was doing, or that the use of the lot was a later addition to the story derived from sources which supposed that the 'founder of democracy' must have used that highly democratic procedure in reorganising the basic units of political life. In any case, the effect, and probably the purpose, of the reform was to reduce the influence of large geographical units and some previous allegiances in politics, but this was achieved more through the use of the demes than through the *trittues*.

Turning to the detailed effects of the reform, the ten new tribes were not merely the units from which the *Boule* was formed, and hence basic to what now became the most important of the organs of democratic government, but it later became normal for the nine Archons to come one from each of the tribes, for one of the *strategoi* to be a member of each tribe (initially, though not later in the fifth century), and there is evidence that tribal allocation was the basis of a number of the administrative boards which were later set up under the democracy—it may be guessed that most boards of ten or a multiple of ten contained an equal number of representatives of each tribe. The army was similarly divided into ten tribal regiments under tribal commanders. The demes each sent members to the *Boule*, their representation being proportional to their population; we know that in the fourth century Acharnae sent twenty-two members while Halimous sent three; many demes were even smaller. The *trittues*, on the other hand, played only a small part in every-day organisation. Their most important function was that the fleet appears to have been organised on a *trittus* basis with *trittus* commanders, Plato (*Republic* 475a) implies the existence of *trittus* officers also in the army.

Having superseded the old organisation for governmental purposes—

hence the point that Aristotle makes that the old *naukrariai* lost their powers—Cleisthenes made the statesman-like decision not to abolish the old order altogether. In particular, the old clans, phratries and tribes continued to fulfil their religious functions (§6). In this way he avoided offending religious and sentimental susceptibilities while depriving the old structure of all political power. Similarly, he submitted to Delphi the choice of heroes from whom the new tribes would take their names, and of whom they would maintain a cult. Thus, by implication he invoked the blessing of the oracle on the new dispensation. Some of the demes were named after the founders of the villages which were their nuclei; in other cases he used geographical names, apparently because the founder of the deme was no longer associated with the area; §5 is not very clear, but this seems to be the best way to take the ambiguous 'not all', since to refer it to demes would be very surprising as they were by definition geographical areas.

It is doubtful exactly when the reforms outlined above were proposed and enacted, but detailed implementation must have taken a long period because of the complexity of the administration involved; it may well have taken more than the year. The sequence in Aristotle is clear: Isagoras gets the better of Cleisthenes in a power struggle; Cleisthenes enlists the support of the people, and Isagoras' power wanes; Isagoras invokes Cleomenes, and Cleisthenes and his supporters go into exile; Isagoras and Cleomenes are expelled, and Cleisthenes returns; the constitutional reforms are then described. Herodotus agrees in general, but outlines the reform of the tribal structure before the expulsion of Cleisthenes. Cleisthenes' reforms cannot have been worked out, even as proposals, overnight, yet they were an answer to the rising power of Isagoras. It therefore seems more than likely that Cleisthenes realised he had to strengthen his position before the election of Isagoras as Archon, and so began to move in this direction; it does not seem probable that he published the proposals much before the election of the Archons, for it would be difficult to account for Isagoras' election contrasted with the popularity of Cleisthenes so soon afterwards if the people had had time to appreciate the latter's proposals. Equally, it seems unlikely that Cleisthenes would have been able to bring such changes into law while Isagoras was actually in office, granted the probable powers of the Archon at the time. On the other hand, it seems reasonable to suppose that the knowledge of what he proposed had something to do with what must have been a massive public reaction against Isagoras and Cleomenes, leading to their expulsion. There is no necessary reason to suppose that the reforms had been *passed*, as opposed to proposed, before Isagoras called in Cleomenes (despite the contrary implication of Herodotus v,69–70), and the order of the events as told in Aristotle is against this; Isagoras would have been sensitive to swings of public sentiment as well as Cleisthenes, and taken precautions accordingly.

Any suggested sequence of events must be speculative, but the most likely appears to be that Cleisthenes lost his power struggle with Isagoras before the latter became Archon, perhaps in 509, and therefore

altered his whole political stance; his proposals did not become public knowledge until about the time of the election of Isagoras, who called in Cleomenes after taking up office, or at the earliest very shortly before he did so, because his presence in the Archon lists shows that he not merely started his year of office, but was not ejected very early in it—otherwise a different Archon would probably have replaced him in the list. Thereafter he was expelled, and Cleisthenes initiated the promised program of reforms. The objection that after the expulsion of Cleomenes Athens' position was so seriously threatened by the hostility of other states that she could not possibly have dared to implement such a radical reorganisation, which involved the army as well as the political structure of the state, has little force. First, we do not know how much the change to the army structure really meant in practical terms, apart from the reorganisation of the men into ten tribal regiments instead of four, nor do we know when it was implemented; as suggested above, not everything could have been done at once. Secondly, and far more decisive, if, as has been suggested, Cleisthenes received his support on the basis of a program of reform, he was in no position to pull back after the expulsion of his opponents and his own triumphant return. Whatever the threats from abroad, he had to carry through what he had promised to do.

XXII Cleisthenes' reforms were a great step *towards* democracy, yet Plutarch calls the result an 'aristocracy' (*Cimon* 15); the distinction is important. The people had a far greater say in the running of affairs, but the major officers of state were still elected, not selected by lot, and this for the Greek theorists was aristocracy, not democracy; cf. XXIX,3. The statement that Solon's laws had fallen into disuse is contrary to the suggestion that the state continued much as before under the Peisistratids (see above on XVI); it is possible that in the last few years Hippias took more power than Peisistratus had done because of the threats to his position, and it may be a memory of this which lies behind Aristotle's remark.

The ascription of the law of ostracism to Cleisthenes has been much discussed. First, the facts such as they are. After the ascription, Aristotle gives a list of some of the early victims, starting with Hipparchus, one of the relatives of Peisistratus; this ostracism took place in 487, although it is said that he was the main object against whom Cleisthenes introduced the law. The ostracisms immediately following Hipparchus are said to have been aimed at the supporters of tyranny (§§5–7). A fragment of Androtion preserved by Harpocration runs: '(Hipparchus the son of Charmus) was related to the tyrant Peisistratus, and the first to be ostracised; the law of ostracism was then first laid down because of suspicion of the supporters of Peisistratus, because the latter had obtained the tyranny as a popular leader and general.' (Jacoby *F.Gr.H.* III B 324 F6). This fragment apparently contradicts the tradition preserved in Aristotle by dating the institution of ostracism twenty years later than he does. However, the text of Aristotle and that of Androtion

as represented by Harpocration are so similar in many respects that it seems likely that Aristotle drew his information from the passage of Androtion which Harpocration excerpted. Further, the Harpocration quotation contains a very awkward piece of phraseology (translated above: 'was then first laid down'), and it seems that the selector of Harpocration's text abbreviated the text of Androtion carelessly so that the first occasion of the use of ostracism appeared as the date of its institution. Thus there is no conflict between Aristotle and Androtion: according to them, ostracism was introduced by Cleisthenes and first used against Hipparchus in 487.

Many scholars have held that it is almost impossible that Cleisthenes should have forged a weapon such as ostracism, and then that it should not have been used for twenty years. There are various possible explanations. The mechanism of ostracism itself, for which see Plutarch, *Aristides* 7 and a very clear summary in *OCD*², demanded a preliminary vote each year on whether the people wished an ostracism to be held at all (XLIII,5); if the vote was positive, there had to be a minimum of 6,000 votes cast at the actual ostracism for it to be valid. (An extreme interpretation demands that 6,000 votes should be cast against one 'candidate', but this seems an impossibly high requirement in the light of evidence for the size of attendances at the *Ekklesia*.) It is therefore possible either that the *Ekklesia* voted against the holding of an ostracism at all each year between the institution of the system and 488/7, or that if one was held not sufficient votes were cast for it to be valid. A third, ingenious suggestion is that Aristotle's information on the early history of ostracism depends on the decree of recall passed just before the Salamis campaign (§8); since those ostracised more than three years before Hipparchus would have served their ten years abroad and returned in the normal course of things, their names would thus not have been preserved.

There are objections to all these theories except the first. It is unlikely that the decree of recall would have specified the names of individuals, although there is no real doubt that Aristotle's information on the early victims of ostracism is based on documentary evidence of some sort. Desperately sparse as our evidence is for the politics and leading statesmen of Athens in the period 507–488, it would be remarkable if no memory whatever had survived of uses of the statute before Hipparchus.* As to the suggestion that earlier, indecisive ostracisms had been held, there is no theoretical reason why it should not be true, but it is remarkable that such archaeological evidence as we have confirms that 487 was the year of the first ostracism. About 11,000 *ostraka* (the fragments of pottery on which names were written in order to cast votes in the ostracism) have been found, mainly in the Agora and its surrounds and the Kerameikos. All of those apparently to be dated in the period before 480 can very plausibly be related to the ostracisms listed by

* The suggestion in Aelian, *Var. Hist.* XIII,24, that Cleisthenes himself was the first victim of ostracism has correctly been rejected.

Aristotle. This confirms the suggestion that there were no actual ostracisms before Hipparchus, and argues that there were no abortive attempts either.

We are left, then, with the alternative of accepting at face value Aristotle's statement that ostracism was introduced by Cleisthenes, and therefore with the necessity of accepting a period of twenty years in which the statute was not used. Two possible hypotheses may be suggested to explain the gap. Ostracism may have been devised by Cleisthenes to preclude any repetition of the dangerous rivalry between himself and Isagoras; if so, the period of disuse is explicable since such knowledge as we have of the history of the period between Cleisthenes and Marathon does not suggest that there were conflicts or crises which would naturally provoke the holding of an ostracism. Alternatively ostracism may have been part of the 'package' announced by Cleisthenes before the invasion of Cleomenes, designed to use Cleisthenes' popular support to eliminate Isagoras; after Isagoras had been expelled, it was not used. Its disuse in the next twenty years would again be comprehensible. Either of these hypotheses offers a sound motive for the introduction of ostracism, and the twenty years in which it was not used is not on this basis as implausible as has often been suggested.*

If the above argument is accepted, Aristotle's account needs modification only in the motive alleged for the introduction of the measure; it is not plausible to suggest that there was significant support in Athens for the return of the tyrants after Cleisthenes' reforms had been 'published'. On the other hand, if Hipparchus, a well-known member of the family of the Peisistratids, was the first victim of ostracism, what could be more natural than for later commentators to deduce (wrongly) that the measure had originally been designed against those aspiring to tyranny?

The known ostracisms before 480 were as follows: Hipparchus in 487; Megacles 486; a third 'friend of the tyrants' 485 (possibly Hippocrates, or Kallias the son of Kratios, who is attacked as 'a Persian' on twelve surviving *ostraka*; cf. §6); Xanthippus 484; Aristides 482. All those ostracised were recalled in 481/0 except Hipparchus who stayed abroad, probably in Persia. Those ostracised included three supporters of the Peisistratids, and one or two Alcmeonids; further, Xanthippus was connected with the Alcmeonids through his wife Agariste. The loyalty of the Peisistratids was naturally suspect during the period of the Persian Wars, and even if one rejects the highly dubious story of the flashing of the shield at Marathon (Herodotus VI,115, 121–5), there is here confirmatory evidence that the people of Athens regarded the Alcmeonids with suspicion. It is not altogether surprising to see them being ostracised after the leaders of the pro-tyranny faction. It is worth noting that the theory which sees ostracism as a method of deciding between opposing policies within the democracy and avoiding conflict at times of national stress has no support in the sources. This may well

* For the detailed arguments behind the above discussion of ostracism, see Rudi Thomsen, *The Origin of Ostracism*, Copenhagen, Gyldendal, 1972.

have been one of its effects at times, but is a sophisticated concept and unlikely to have been a motive for its introduction.

Throughout the period Themistocles and Aristides were champions of the people (xxiii,3). It is probable that until 483/2 they worked together at least when the question of ostracism was raised, and there is no reason why their cooperation should not have been general. The Hyperbolus fiasco (?416) demonstrates the dangers inherent in a system of ostracism unless it is properly 'managed'.

The residence limits for those ostracised after the initial years are given in §8; the 'not' in the translation is missing in the papyrus of the *Constitution of Athens*, but the correction is likely. Wherever we can check the residence of those ostracised after 481 they lived outside the stated limits, e.g. Themistocles at Argos (Thucydides i,135,3). Before this, Aristides, for example, had retired only to Aegina (Ps. Demosthenes *against Aristogeiton* ii,6). Geraistus was the south-eastern point of Euboea, and Scyllaeum the eastern point of the Argolid. If the 'not' were not inserted, the text would suggest a provision aimed to keep the ostracised out of contact with the Persians.

The Archonship of Hermocreon must be the year 501/0 because it was eleven years before Marathon (§3), not 504/3 as implied in §2; Dionysius of Halicarnassus confirms this by giving a different Archon for 504/3 (Akestorides; *Roman Antiquities* v,37).

The institution of the Bouleutic oath and the election of *strategoi* by tribes are corollaries of the Cleisthenic reforms. Either they were further democratic reforms whose authorship is unknown, or the date of their actual introduction confirms that a significant period was necessary to put the Cleisthenic system into full effect. The former is perhaps more likely, both since seven years seems an over-long time to wait to implement the election of a *strategos* from each tribe if it had been included in Cleisthenes' 'package', and because Aristotle switches from talking of Cleisthenes as author to the Athenians—'they' in §2.* The position over the oath taken by members of the *Boule* is the less definite of the two, for Aristotle is discussing the oath taken in his own day. There is nothing to prove that it was the first oath of the *Boule*—it may have been a modification of an original formula; there must surely have been an oath as soon as Cleisthenes established his *Boule*. Details of the oath can be reconstructed from a number of sources; it included provisions requiring the members to advise in accordance with the laws, to recommend the best course for the city, to denounce any unsuitable person who had been chosen by lot for the *Boule*, and not to imprison any Athenian who put up three guarantors of the same property class as himself unless he had been detected in a conspiracy to betray the city or subvert the democracy, or was a tax-farmer or his surety or collector who had defaulted on payment. The last provision (quoted by Demosthenes, *against Timocrates*, 144), argues that the oath was not totally unchanged in his own day, for it appears that the *Boule* lost all powers

* On the *strategoi* see further below on lxi.

of imprisonment in the reforms of 462/1; however, it may well have been substantially the same.

The switch to selection of Archons by lot from a group previously elected by the tribes took place in 487/6, and is a logical step in the development towards democracy; the confidence inspired by the success at Marathon probably had something to do with the introduction of the reform. However, §5 does not agree exactly with VIII,1, where the same system is ascribed to Solon. The conflict on numbers (VIII,1 says they were selected from ten previously elected by each tribe) may be explained in the way advocated by von Fritz/Kapp: 500 were selected by the demes, fifty for each tribe, and they were then reduced to ten for each tribe by tribal selection. The 100 who resulted would all be taken together for the final casting of lots. This is ingenious, but '500' is probably a manuscript corruption. Either way, there is no indication that at this early date the clerk to the nine Archons was selected at the same time, thus producing ten offices divided among the ten tribes, nor that there was any mechanism to ensure that there was not more than one Archon from one tribe.

Aristotle is, however, probably right in saying here that the Archonship was filled by election until 487/6; (see above on VIII). At any rate, the tyrants would have had to abolish sortition; elections can be easily 'controlled', but casting of lots is more difficult. Thucydides (VI,54,6) shows that the Peisistratids decided who was to hold the Archonship, though the wording need not imply that elections were suspended.

An inevitable result of Archonship with an element of lot in the selection process must have been a diminution of the standing of the Archons. The Athenians believed in the lot as an equaliser of everyone's chances in as wide a field as possible in politics, but always recognised that there were certain fields where expertise was vital, and in them they always used election, not lot. Aristotle is therefore right to insist (against Herodotus VI,109) that the Polemarch remained the elected commander-in-chief until 487/6. Thereafter one may presume that the Polemarch's authority was much less, in common with the other Archons, and it is no surprise to find the *strategoi* emerging as effectively the chief magistrates in Athens shortly after this.

The mines at Maroneia were a part of the area of Laurium; the Athenians drew significant income from mining the silver deposits there. The intention of 'some' to distribute the windfall to the people (cf. Herodotus VII,144) displays a simple-minded approach to economics; it arose from the idea that the property of the state was also the corporate property of the individual citizens, which in its turn sprang from the equation of the city with the body of the citizens. There is no trace here of the concept of building up a reserve fund comparable to that accumulated by Pericles in the period before the Peloponnesian War; indeed, economic forethought was very rare in the ancient world, the normal approach being to wait for a necessary item of expenditure to arise and then to decide how to finance it.

Herodotus (VII,144) says that 200 ships were built, not 100, and that

Themistocles used persuasion, not trickery; whichever is correct, the building of the ships was stressed by many writers in the ancient world as being a turning-point in Athenian history because it diverted her attention to the sea, and ultimately produced the situation where the fleet was the most important section of the Athenian armed forces; this had a direct bearing on the establishment of the radical democracy. Themistocles has perhaps as good a claim as Cleisthenes to be the father of the fully developed Athenian democracy, though it is doubtful whether either foresaw what their actions would lead to ultimately. If Themistocles got his fleet built by a form of trickery, this is a significant point; such action would have been virtually unthinkable sixty years later.

THE AREOPAGUS

XXIII The alleged ascendancy of the Areopagus is very reminiscent of the actual position of power stemming from prestige enjoyed by the Senate at Rome for a generation after the Second Punic War. Aristotle (§2) approves wholeheartedly, and his views are typical of those in the fourth century who disapproved of the radical democracy; notable among works stemming from this attitude is the *Areopagiticus* of Isocrates. The danger was that the theorists tended to read back into early history the political situation which they would like to have seen in their own day in Athens. It may be that the *strategoi* lost their nerve before Salamis and the Areopagus took over, but it is a surprising suggestion since Themistocles was one of them; loss of nerve was hardly a characteristic of his long political career.* On the other hand, if there were a vacuum to be filled, the Areopagus was the obvious body to step in, for the element of sortition had only entered the selection of Archons in the last seven years, and the members were therefore almost all in the body because they had been elected to the highest office in the state; one may guess that the great majority of mature Athenians of talent were members. However, the supposed rise of the Areopagus reverses the trend towards a more democratic control of affairs; an actual increase of power is particularly unlikely, as opposed to a pause in the development of the democracy, for it would be a reversion to a more primitive form of constitution. The Areopagus is said to have done exactly what the fourth-century theorists wished it could have done in their own day; this is suspicious, as is the vagueness of any information about the *political* functions of the Areopagus at any period. If that body had had any real power after 480, it may in practice have sprung from their right to hear impeachments, but it is surprising that we have virtually no idea of how their supposed power was actually exercised. Such arguments cannot prove anything, but they are enough to oblige us to treat Aristotle's bland statement with caution.

Athens took the naval hegemony (a word meaning 'leadership' and

* There is also the piquant implication that Themistocles lost his nerve as a *strategos*, but kept it as a member of the Areopagus.

usually used to imply the willing agreement of those who are being led) as a result of a free vote both of the Ionians who had joined the Greek effort against the Persians and of those who had been liberated thereafter. It was only later that Athens converted this hegemony into an empire; cf. Thucydides 1,95,1. Whether it was really against the will of the Spartans is another matter; they were by tradition averse to adventures far from home, and had a good deal of trouble on their hands in the Peloponnese; Athens had probably joined the Peloponnesian League in 510 and there was no reason to suspect her of hostile intent at this juncture, nor was there any question that Sparta was militarily by far the most powerful state in Greece; Athens could not apparently pose a threat to her position. Equally, the Spartans probably regretted what they had done within a very few years; Diodorus Siculus (XI,50) records a debate at Sparta, perhaps to be dated about 475, in which the proposal to go to war with Athens in order to recover the hegemony of the Greek League (i.e. the Delian League) was nearly carried. It was one thing for Themistocles to trick them into allowing the rebuilding of the walls of Athens; it was quite different when Athens appeared to be reaching a position approaching parity with them.

Note that both Themistocles and Aristides are described as leaders of the people; Aristotle is surely right here, rather than Plutarch who calls Aristides an aristocrat (*Aristides* 2). Plutarch had presumably been misled by the apparent schematisation of fifth-century history in the sources, which tended to produce one radical and one moderate leader at each period. The suggested distinction between their talents (§3) is not acceptable; each showed great ability in both politics and war. Indeed, it is only the point about one being outstanding in justice which has led to the translation offered, for linguistically the Greek could equally be taken the other way round. There may be some corruption in the text. Everything points to Aristides as a close collaborator with Themistocles in the period up to the former's ostracism. Thereafter they worked together in the immediate crisis of Salamis, but the fact that Themistocles was not a *strategos* for 479, while Aristides was not only a *strategos*, but also one of the leaders in the organisation of the Delian League (cf. Thucydides 1,96) shows that Themistocles' star was waning. By 478/7 (the year of the organisation of the League, §5) Cimon was coming to the fore, and shortly afterwards stole the limelight from Aristides by his astute handling of a problem over booty at Byzantium.

A final point which Aristotle makes is of vital importance; the form of oath which involved casting red-hot lumps of iron into the sea implied that the treaty was to last until the iron should float, that is for ever; cf. Plutarch *Aristides* 25. When the allies later demanded the right to secede they were going back on their original oath.

For the history alluded to in the chapter, see Herodotus VIII,3; Thucydides 1,95–97; Plutarch, *Aristides* 23–25 and *Cimon* 6–7.

XXIV Aristotle summarises as recommendations by Aristides and resultant changes many of the constitutional developments of the fifth

century, some of which did not occur until well after Aristides' death (c467). The tone of the chapter is disapproving, and an aristocratic or oligarchic source probably lies behind it; at all events, Aristides is represented as responsible for much which was anathema to the conservatives, and there is a radical difference from the main line of the story given by Plutarch, who represents Aristides as a conservative, and contrasts his stance with that of Themistocles. Even Plutarch is forced to admit that some democratic reforms were instigated by Aristides (*Aristides* 22 and 25); Aristotle's account appears preferable to that of Plutarch.

For the people to move from the country into the town would make the democracy 'worse' in Aristotle's eyes, for he thought that the best democracy was that in which the people lived by working the land (*Politics* 1318 b 9ff; 1292 b 41ff). For the people to have real control over everyday decisions it was necessary for them to be able to get to the *Ekklesia* easily and whenever necessary, which was not always compatible with agriculture.

The transition from Delian League to Athenian Empire (described as 'to seize the hegemony') was gradual and almost inevitable. From the start Athens was much more powerful than the individual member states, and naturally (and by their wish) undertook the leadership. Her influence grew as the custom of commuting service in the League fleet to cash payment of tribute spread—it benefited both sides, at least in the short term. Aristotle passes over the intermediate stages of this gradual process, merely noting that three states retained some measure of independence (though Samos was less free after the revolt of 441/0); cf. Thucydides 1,99. They remained independent and on the whole loyal (witness the behaviour of Samos in 405/4), and Aristotle's comment is cynical in implication. In any case, there is little doubt that the subjection of the allies was hardly the original aim of Aristides, and it is very doubtful whether it became even unacknowledged Athenian policy until some time after he had ceased to be influential.

Aristotle then implies that the Athenians moved into the city so that they could live off the income from the empire. This charge has been levelled at the Athenian democracy in the form of the generalisation 'radical democracy was parasitic on the empire'. The charge has a certain superficial attractiveness, but is not fully justified; in the fourth century all the paid offices involved in running the fifth-century democracy continued to exist and receive pay at least at the same rate as in the fifth century, and pay for attendance at the *Ekklesia* was added; even without the empire Athens could finance all this. This is not to say that Athens did not benefit financially as well as in other ways from the empire; manifestly she did, not least in that there was enough money coming in which was surplus to normal requirements to finance such expenditure as the Acropolis building program. In the same way, the existence of the empire meant the maintenance of a larger fleet, and also involved certain jobs which were filled by Athenians which would not have been necessary without the empire. Therefore the Athenians in

fact profited, but this is very different from saying or implying that the radical democracy depended on the empire for its very existence. Compare the note on the *Constitution of the Athenians*, 1,16 above.

Aristotle says that more than 20,000 people made their living from the empire. He lists 15,750 positions, but if one adds 4,000 for the guard of twenty ships (the normal complement of a trireme was 200), and allows for the unspecified number of people covered by the last sentence, the total and the sub-units tally. Different categories are mixed indiscriminately. It is quite probable that being a guard was a full-time occupation, and one could therefore reasonably expect to make a living wage; however, it has been calculated that jurors were very unlikely to make anything like as much. 'Pay' for them was not introduced until the time of Pericles (XXVII,3), and they then received two obols a day. This was in itself probably adequate as compensation for loss of earnings *for the one day*; however, not by any means all 6,000 jurors were needed on any particular day, and there were many public holidays when the courts did not sit at all; cf. below on LXIII–LXV. If a man had always been lucky enough to be picked in the ballot for jury places (below on LXIII–LXV), it is just conceivable that he could have received enough for bare subsistence as a bachelor; it is inconceivable that a family could have lived this way. Two points are implicit here: first Aristotle (or his source) has made the most of the figures to the detriment of the image of the democracy—it was not always wartime, not all jurymen sat all the time, and not all state officials were on duty all the time. The exaggeration is manifest. Secondly, the above analysis exposes the basic theory behind state 'pay' at Athens: 'pay' is a misnomer—it was compensation for the fact that while on state duty a man could not earn his living as usual. In order to make it possible for all who wished to take part in the running of the state there had to be some system whereby the poorer citizens would not go hungry if they gave up some of their working time; otherwise economic factors would have turned the state into a timocracy in fact (if not in name), for a man's participation in politics would have been limited by the length of time for which he could afford not to earn. The 'pay' system was highly democratic, but rested firmly on the presupposition that everyone was self-supporting independent of the state.

Of the individual groups mentioned, the 6,000 jurymen were the nominal role, 600 for each tribe. The bowmen must have been citizens not the Scythian bowmen who acted as a sort of police force; the latter were publicly owned slaves. The number of bowmen, as of cavalry, appears to be drawn from Thucydides' listing of the nominal muster-role of Athenian forces at the beginning of the Peloponnesian War (II,13,8); they would have been active only in wartime, and then not all of them. In the case of the cavalry, Aristotle seems to have taken the basic figure without noticing the distinction between 1,000 who were citizens and 200 horse archers who were Scythian slaves. Pay for the *Boule* was probably a feature of the reforms of 462/1 and the years immediately afterwards; by the late fourth century it was five obols a

day, which was, and had to be, adequate for a family. Guards on the dockyards are not mentioned elsewhere, and may have been needed in any numbers only in time of war; Thucydides gives a general figure for the guarding of the walls of Athens and the Peiraeus and the area of Munichia (II,13,7). The functions of the guards on the Acropolis are not known; however, an inscription (IGi^2 44 = Hill, *Sources*, B 45) records three archers to prevent runaway slaves and other undesirables reaching a certain place on the Acropolis where they could take sanctuary; also, one imagines that the main treasury was not left unguarded.

That there should have been the same number of state officials abroad as at home would be a remarkable coincidence; it is probable that the repetition of '700' is a manuscript error which has ousted some other figure. The figures are uncheckable, but 700 for those abroad seems very high, even allowing for the fact that Athens from time to time sent out commissions, for instance to supervise cities which had just been reduced after a revolt, e.g. Erythrae, Meiggs/Lewis 40. Cleruchies were subject to Athens, and officials visited them from time to time; the 'overseers' mocked in Aristophanes (*Birds* 1022ff) would have been included here; cf. Ps. Xenophon *Constitution of the Athenians* 1,18. The figure of 2,500 hoplites bears no relation to known numbers in Athenian armies at particular battles; attempts at explanation have so far proved unconvincing.

The ships mentioned total thirty (twenty guard ships and ten for the tribute); the standing fleet in peace time was sixty, and again it is difficult to reconcile the numbers; possibly Aristotle knew of some practice whereby normally only half the standing fleet was actually away from Athens at a time. However, this is pure hypothesis, and in any case the crews of all sixty were presumably paid for the eight months they were in commission; training would have occupied the time when they were not on foreign missions. Ten ships are unlikely to have been fully employed with the tribute, especially as it was the duty of the allies to deliver it themselves at the Great Dionysia each year. It has been attractively suggested that a minute change in the Greek makes these ships responsible for the 'guards' mentioned in LXII,1; they were presumably used to garrison temporary trouble spots, and transport would have been necessary. If this conjecture is right, there may in fact have been more than ten ships in this group; the figure ten is merely deduced from the known complement of a trireme, while troop-carrying ships would probably have had smaller crews to leave more space for the troops. The twenty ships would have been fully occupied patrolling the Aegean, and not least securing communications for vital grain imports, notably from the Black Sea. It is worth remembering that Athens kept the Aegean reasonably free of pirates for the duration of her empire.

The Prutaneion performed some of the functions of a town hall. A few people were honoured by the state for notable services by the privilege of free meals there (cf. Plato, *Apology* 36 d); however, they were a small group, and their privilege was hardly a substitute for an income. Orphans of those killed on active service were maintained by the state

until they had grown up; thereafter they made their own living like everyone else. The inclusion of jailors shows that they cannot have been included in the 700 state officials in the city mentioned above. The whole section smacks of propagandist special pleading; it is of more use as an indication of areas in which some payment could be expected from the state at some time than as an indication of how many people received compensation for loss of earnings in any one year, let alone how many lived off money derived from the allies.

EPHIALTES

XXV The opening sentence requires no comment after the analysis of XXIV. Aristotle now switches from later developments back to the years immediately after Plataea. The phrase 'about seventeen years' has caused unnecessary problems because editors have counted (inclusively) back from 462/1, the year of Ephialtes' actual reforms. Counting exclusively there is no problem; if Aristotle were reckoning inclusively, he could as easily have been thinking of the time when Ephialtes first made an impact; 463/2 is, if anything, rather late for this. The statement that the constitution was 'gradually deteriorating', is the first note of criticism; Aristotle spoke of both Solon and Cleisthenes with approval, for he did not regard their constitutions as unacceptable, despite his aversion to real democracy; cf. XXIX, 3.

The attack on the Areopagus made by Ephialtes, aided by Pericles, was the next major step forward in the development of the full democracy in Athens. The Areopagus was an obvious target, both because its members held office for life, which was the antithesis of democratic principles, and because the element of chance in their selection by lot must over a period of twenty-five years have somewhat changed the type of member; instead of being leading politicians, they would have been men of reasonable competence but not necessarily first class. Attacks on individual members for misusing their position were an obvious preliminary to an all-out attack on the institution itself, since the powers which the democrats aimed to remove were the general supervision of morals and 'watchdog role', and perhaps the right to hear impeachments (see above on XXIII); in a democracy such powers, if they existed at all, should belong to the people as a whole, not to a council of life members for which only the upper two property classes were eligible. There is no reason to question the traditional reputation of Ephialtes and Pericles for incorruptibility; it would have stood them in particularly good stead in this campaign. There is no doubt that Aristotle exaggerates the 'supervision' which the Areopagus had exercised, and it is probable that the powers which it is said to have recently acquired were in fact its since very early days (cf. VIII, 4), even if it had originally started as a murder court. An allegation that its powers were usurped and not traditional would help the general campaign, and must have come from the opponents of the Areopagus.

The exact nature of Ephialtes' reforms is not stated by our sources, but we may deduce it from what other bodies are said to do from now

on. The supervision of magistrates, the investigation of their eligibility before their year of office, and approval of their accounts afterwards were now divided between the *Boule* and the *dikasteria*; all other jurisdiction was handed over to the *dikasteria* with the exception of murder, assault and arson (LVII,3), and some forms of sacrilege including damage to the sacred olives (LX,2). The supervisory powers lapsed, and henceforth the *Ekklesia* was subject only to self-imposed limitations.

The story of the participation in these reforms of Themistocles must be apocryphal. He was ostracised in the later 470s, perhaps 472/1 (cf. Thucydides I,135), and was probably dead by 462. Cimon inclined to the side of the moderates, and it is not totally surprising that a story appeared connecting Themistocles, who was seen as the champion of the radicals, with the last major reforms leading to full democracy. The details of the story are a fine piece of fiction, recalling Themistocles' famous resourcefulness, and also having something of an echo of the way in which Peisistratus first got the tyranny. There is no stylistic reason for supposing the passage to be an interpolation by a later hand as some have suggested; it appears that Aristotle had got the story from some otherwise unknown source; it is remarkable that it is not even recorded in Plutarch, who quotes Aristotle for the murder of Ephialtes (*Pericles* 10), and one must assume that Plutarch had reason to reject it.

The murder of Ephialtes before the end of 462/1 indicates the tension of the time; political murders were very rare in Athens.* The only thing one may reasonably deduce is that the assassin was suborned by Athenian politicians, presumably by supporters either of Cimon (who had been ostracised just before) or of a still more conservative policy. Even Plutarch (*Pericles* 10) rejects the absurd story that Pericles was behind the murder.

XXVI Yet again, this chapter and the next raise problems of chronology. Aristotle passes from the statement that the Areopagus lost its power to a discussion of increasing disorder and disruption stemming from the increased power of the demagogic leaders of the people; then he says that 'at this time' Cimon was 'rather young', and therefore the 'better' people lacked leadership. Since Cimon was exiled in the year of the reform of the Areopagus, one is left with the choice of supposing either that the whole description refers only to a very short time, or that something more radical is wrong. If the former is the case, Aristotle is surely at least guilty of being misleading, and there is the added problem that it is difficult to see how, by any stretch of the imagination, Cimon can be described as 'rather young' in 462/1. He had had a prominent if subordinate position at Sestos and Byzantium in 488/7, twenty-six years before, and was apparently in command the year afterwards. Even if Aristotle could be referring to a period of only a few months, the adjective 'rather young' must be wrong. The increased power of popular leaders fits well with the period immediately before

* Evidence suggests further that they were only employed by the oligarchs.

and during the attacks on the Areopagus, and could also presumably apply to the period before Cimon's actual ostracism. On the other hand, Cimon could hardly be said at this time to have 'only just entered politics'. The statement about casualties of those enlisted from the citizen roll fits better with the events after 461, since the slur on the commanders hardly suits a period when the experienced and skilful Cimon was in charge of operations on many occasions. In the later period Athens lost a large number of men in widely separated areas on operations at least some of which were not well handled. Aristotle is apparently either suggesting a general decline in the proportion of reliable citizens of all classes, or that fewer of the lower classes were killed because the 'better' men were more likely to stand their ground and so die. Finally, there is the remarkable statement early in the section that 'the masses had been decimated in war'. This makes no sort of sense when the weakness of the moderates' position is under discussion—one would expect some statement about *their* losses to accompany the discussion of the rising power of the democrats. Altogether, there are so many contradictions and obscurities in this section that it looks as if it was roughly compiled from a series of notes, and never sorted; efforts to make historical sense of it either tend to disregard some sections and be selective, or are forced to do violence to the Greek so that sense can be produced in a translation.

The reduced respect for the laws commented on in §2 is interesting, since one of the functions which the Areopagus lost in 462/1 was its duty to ensure that the laws were observed in day-to-day government. There was a procedure of indictment for making illegal proposals later in the century—the first known case occurred in about 415—but it is doubtful whether it existed as early as this, logical as it may seem to argue that the Athenians must have substituted some sort of check for the power which they had abolished; see below on XLV.

The *zeugitai* were admitted to the Archonship in 457, in which year Mnesitheides held office; cf. also above on VII. There is a slight curiosity here: one would have expected the first zeugite holder after, not in, the year of the reform; the actual reform was presumably enacted earlier. On the local magistrates, see above, XVI,5 with commentary and below LIII,1; they were reintroduced in 453, in all probability in response to the general increase in the quantity and importance of litigation—it was felt to be a basic right to be able to go to law, and it would probably have been impossible to handle all cases in Athens, apart from the trouble of going to the city discussed above.

Pericles' citizenship law was introduced in 451; henceforth only children of parents who were themselves both Athenians could be accepted as citizens. That the law was not retrospective is proved by the fact that Cimon, whose mother was a Thracian princess, was *strategos* in 451/0. The stated motive of the law, 'because of the large size of the citizen body', cannot be accepted; it was not a measure of population control. The law was surely primarily directed against the aristocrats who married members of the aristocracy of other Greek cities or girls

from even farther afield—witness Cimon's mother. There may also have been a protective element in that it encouraged ordinary Athenians to marry Athenian girls rather than foreigners; there must have been a foreign element living in Athens, and the exotic has always had a certain attraction. Further, the law aimed at restricting what the Athenians rightly thought were the considerable privileges of citizenship to those they judged fully entitled to them. It is important to remember that the law only laid down conditions for full citizenship. There was no ban on liaisons, temporary or permanent, with non-citizens; the only stipulation was that any offspring could not be citizens. Ironically, Pericles himself lived for years with Aspasia, who was not a citizen, and after the death of his children by his former (Athenian) wife, pleaded with the *Ekklesia* to give his sons by Aspasia citizenship; this was granted—most unusually.

XXVII Aristotle has switched his full attention to Pericles, and therefore reverts to the beginning of his known public career, his prosecution of Cimon after the latter's return from the siege of Thasos in 463. Hence, the opening words, 'after this', do not refer to the previous chapter, but to the period of the domination of Cimon, which Aristotle characterised as the period of control by the Areopagus (xxv,1). He had already made it clear that Ephialtes was the prime mover of the reforms; it is no doubt fair to give Pericles some of the credit, for the way in which he took over from Ephialtes shows that he must have made his mark before 461, but apparently the innovating and reforming ability belonged primarily to Ephialtes. It is noteworthy that Ephialtes made sweeping changes, while, brilliant as was Pericles' consolidation of the democratic position in the long period when he was one of the leading statesmen, we cannot certainly ascribe to him any radical change or innovation. Most of the reforms were carried out either in 462/1 or shortly afterwards, and the later changes were inevitable corollaries of what had already been done, such as payment for service on juries and elsewhere in public life. The citizenship law is a possible exception, but it is doubtful whether this could fairly be described as a democratic innovation.

Here, as elsewhere, Aristotle connects the stress on sea power with the increasing influence of the masses in government; cf. *Politicus* 1304 a 22; 1321 a 14. He does not offer a history of the period down to the Peloponnesian War, but concentrates on a few aspects. Increasing confidence on the part of the people is clear in their actions, though the suggestion that the people decided to run the state themselves because they were cooped up in Athens during the war and paid for their services is dubious. To have the final decision was to them their right, and 'pay' was merely a mechanism to allow them to exercise that right.

The reason given for Pericles' introduction of these payments must be modified. It cannot have been an attempt to match Cimon's liberality before the latter's ostracism, for they were not introduced until after that, and when Cimon was ostracised there was nothing to match. On the other hand, this passage suggests strongly that payment

for the *dikastai* was closely connected with the original reform. Stripping the Areopagus of so many powers must have led to a great increase of business in the *dikasteria*, and it may well have been necessary to provide some compensation for loss of earnings in order to get enough *dikastai* (jury service was not compulsory as it is today), apart from the fact that it was clearly democratic that as many as possible should be able to sit.*

The liturgies were a form of public service in Athens which fell only on the rich. Certain duties, such as maintaining triremes or providing choruses for festivals (LII,2 and LVI,3, with Commentary) were not financed by the state from general taxation but imposed on individuals who had to spend at least a fixed minimum sum; in the fifth century at least, they took pride in doing the job well, and often spent more than the stipulated minimum; see Lysias, *against a Charge of Taking Bribes*, 1–10. The system was in some ways similar to supertax, but there was a radical difference of approach, which is implicit in Aristotle's approving comment on Cimon; it is not usual now to hear people boasting of the amount of tax they pay—or at any rate not in the same way as was customary in Athens. The exhortation to 'give the people what was their own' (§4) is a famous quotation preserved in a number of sources; it presupposes a degree of sophisticated political awareness.

Aristotle adopts the standard aristocratic approach to the effect of introducing payment in the *dikasteria*; it is doubtful whether it was damaging, and certain that ordinary courts whose juries were not open to all the common people would not have been tolerated under the radical democracy, whether the reason was a legal ban or only economic pressure. Anytus was one of the accusers of Socrates; he was accused over Pylos in 409, which argues a surprisingly long time for the *dikasteria* to have been free of corruption. In fact, the mechanics of jury selection, and also court procedure, made bribery extremely difficult (LXIIIff and Commentary); it may be therefore that it *was* extremely rare, which would make the Anytus case memorable, and therefore all the more likely that Aristotle is right to say this was the first case.

Plutarch (*Pericles* 4) mentions a Damon as an advisor of Pericles, and refers to this passage of Aristotle in mentioning Damonides (*ib.* 9), it is hard to know whether the two are to be identified, or whether there was a teacher Damon, son of Damonides (as on a surviving note for ostracism), and Damonides a politician who advised Pericles. The latter is perhaps the better explanation, entailing the (easy) supposition that the two were confused, and some attributes of the teacher were transferred to the politician.

XXVIII The opening sentence is very brief and muted praise for Pericles, whether one compares it with Thucydides' views or considers

* There was a tradition in the ancient world (cf. e.g. Plutarch *Cimon* 17) that Cimon returned from ostracism after only five years. This cannot be so, but it is possible that Aristotle had it in mind, and therefore dated the rivalry in generosity, and therefore the institution of payment for the juries, to the years immediately following 457/6. For the sequence of events compare Plutarch, *Pericles* 9.

his achievements. Aristotle looks at him from the aristocratic point of view as the last democratic leader who was even tolerable, and one suspects he was tolerable only because he was at least himself an aristocrat, and restrained the more extreme democrats. Aristotle notes that leadership now moves out of the hands of the 'better' people for the first time.

In the list of leaders of the people (§2) Aristotle includes those who championed the advancement of the democracy, and is not giving an unbroken sequence. He did not intend to imply that Cleisthenes was influential from 508 until Xanthippus took over; in fact, there is no evidence that he took any part in politics after 508/7, and some have plausibly associated his disappearance with a popular revulsion against the submission to Persia which appears to have been made (or at least attempted) under him. The enmity between the democrats and Miltiades is well documented, particularly his prosecution in 493, and condemnation in 490/89. Themistocles is presumably listed with Aristides to preserve the sequence of pairs, though Aristides is again correctly listed as a leader of the people, not of the aristocrats; in fact Themistocles was Archon (*Eponumos*) in 493, and was of the same political generation as Xanthippus, though Miltiades was probably older. The Thucydides mentioned here was, of course, the son of Melesias, a different man from the historian, though probably related to him.

The attacks on Cleon, Cleophon and Kallikrates echo the standard aristocratic prejudices against the demagogues. They may well be justified in that the new-style leaders were not 'gentlemen' in the way an aristocrat would understand the term. However, neither Aristotle nor Thucydides give them their due for their undoubted abilities, in particular in the field of finance; one should compare Pericles' record in financing the Peloponnesian War with that of Cleon or even Cleophon before one dismisses them as incompetent adventurers. Exactly what the offence of Cleon was in speaking 'with his garments tucked up' is not clear; perhaps the point is that he looked like a labourer at work. If so, it may have been a deliberate gesture, though one must not forget that these maligned demagogues came from what we should call the middle class, not the working class; both Cleon and Hyperbolus were quite comfortably off; Cleophon himself was the son of a *strategos* of 428 (Meiggs/Lewis, pp. 41f). Their offence in the eyes of the aristocrats was that they were, in the Victorian phrase, 'in trade'.

The two-obol payment was introduced by Cleophon immediately after the fall of the Oligarchy of 411/10, and is mentioned in an inscription of 410/9 (Meiggs/Lewis 84); its purpose is not clear, but it may have been a general payment for any public service, so widely defined that almost anyone could qualify; in that way it would in effect be a form of poor relief just at the time when the occupation of Deceleia would be beginning to cause real hardship. It certainly was not the payment which in the fourth century refunded to citizens the cost of attending the theatre. The Theoric Fund, from which the fourth-century distribution was paid, was a major evil which absorbed all surplus

revenue and applied it to the entertainment of the people; Demosthenes continuously complained of the difficulty of financing a sensible foreign policy because of its stranglehold. It appears from the present passage that Kallikrates proposed to raise the two-obol payment to three obols which had the (odd) effect of abolishing it. The circumstances are unknown, as are those of his death. On the other hand, the death of Cleophon is well documented; he was executed on a trumped-up charge shortly before the fall of Athens in 404. It is, however, very doubtful whether the people were responsible for this, as Aristotle suggests at the end of the paragraph; he appears to be attempting to salvage something to their credit from the period. In §4 Aristotle condemns the popular leaders of the fourth century *en masse* without considering one of them worthy to be named; they were different in type and aims from the men of Pericles' day and before, but it is doubtful whether they were as bad as he implies. Aristotle's prejudices were against them as people because of their origins and as statesmen because they failed to restore the glories of the fifth century.

Of the men whom Aristotle chooses to praise as the outstanding leaders after the early period, Nicias and Thucydides were sound, fairly conservative, moderate democrats; they believed in friendship with Sparta, the moderation of Athenian imperialism, and a generally cautious and quietist approach. There is little question that they were basically out of tune with the prevailing spirit of Athens; they did not often manage to influence the course of events unless some set-back had temporarily dimmed the prestige of the radical leaders. They may have 'looked after the city like fathers' (a phrase which was incidentally also used of Pericles), but this was not what the people wanted; the aristocrats thought they 'knew best', but towards the end of the fifth century the Athenians were notable for being independent and determined to take the decisions themselves. Aristotle tries hard to defend Theramenes, but his inclusion looks as if it was designed to keep up the pairing of moderate and radical. He did not have the standing of the other two, nor was he influential for so long a period. He gives the impression of a rather unpleasant political time-server, as is suggested by his nickname, 'the buskin', a shoe that would fit either foot; even his final gesture against the Thirty was only made when all was lost, and can hardly counterbalance the rest of his record. Even if one were to accept Aristotle's judgement, and admit his sincerity as a moderate, one must still remember that (in Andrewes' words) 'he must bear much of the blame for the internal troubles which lamed Athens in the last phase of the war' (OCD²*s.v.*).

XXIX The analysis of leaders throughout the period took Aristotle ahead of his main account of political changes; he now returns to the aftermath of the Sicilian expedition (415–3), with the threat of Persian intervention and the moves leading to the establishment of the oligarchy of the Four Hundred. The hope of Persian aid for Athens may have been a contributory factor in the change of constitution, for which

Alcibiades was at least in part responsible (Thucydides VIII,53,1), but the main impetus came from deep dissatisfaction with the conduct of the war by the radical leaders in the *Ekklesia*, who appeared to be leading Athens from disaster to disaster. The change was made easier by the fact that the situation was analogous, though opposite, to that of 462; then the absence of Cimon with 4,000 hoplites at Sparta may have materially affected the balance of the *Ekklesia* to the advantage of the radicals, and so helped Ephialtes to get his reforms through; now such fleet as could be mustered was virtually permanently at sea attempting to preserve the fragments of the empire. The balance of the *Ekklesia* may again have been altered, this time in favour of the anti-democrats, although organised intimidation was the key factor which tipped the balance at Athens—note the firmly democratic line of the fleet at Samos. For the history of the period, see Thucydides VIII *passim*; the treaties between Sparta and the Persians are in VIII, 18, 37 and 58 ,the story of the oligarchic coups in VIII,65–98.

THE FOUR HUNDRED AND THE FIVE THOUSAND

Aristotle gives his account of the first oligarchic period in fifth-century Athens in three sections: the preliminaries, the proposals, and the actual rule of the Four Hundred, with the period of the Five Thousand virtually passed over in silence as an appendix, although it lasted longer than the rule of the Four Hundred. He gives no indications of the places where meetings were held and his account does not raise the chronological problems implicit in Thucydides or in any attempt to combine the two accounts. It must be remembered always that Aristotle is writing a work on the constitution, not a full history.

The first move towards an oligarchy was taken very soon after the failure in Sicily; a board of ten senior statesmen, including the poet Sophocles, were appointed to act in a supervisory role in the crisis (Thucydides VIII,1,3). According to Aristotle, they formed the nucleus around which the commission of thirty was formed, and the latter produced the constitutional proposals; Thucydides (VIII,67) ascribes the proposals to a board of ten Commissioners, but Androtion and Philochorus both confirm that the ten were members of the thirty. Probably there is a simple contradiction here, although Thucydides may have had access to a source which suggested that an inner body of ten within the thirty had the real power. The whole period was a reign of terror in Athens, and Thucydides shows that many of the ordinary citizens had very little idea of what was happening. He was himself abroad at the time, and did not return for some years, by which time later events would probably have blurred the detailed memories of those involved. Aristotle did not write until about eighty years after the event. von Fritz/Kapp suggest that the Athenian archive was so developed by 412/11 that copies of all documents and proposals would have been kept there, but it is a sweeping thesis, and it also disregards the *prima facie* plausible possibility that the restored democracy would have

destroyed at least those of the documents which had not actually become law. Even if the documents were preserved, they would not necessarily have shown who were the real instigators of particular measures. Somehow the main lines of the proposals were preserved, but it would be rash to suppose that Aristotle made his reconstruction on the basis of first-hand documentary evidence; he could have got much, though not all, of what he says from Thucydides; his other sources need not have been official.

The proposal of Puthodoros set the matter in motion; the rider of Kleitophon reflects propaganda of the period as well as being important in itself. Aristotle uses the standard formula for introducing an amendment in the *Ekklesia* to preface the rider. By saying of Cleisthenes 'when he established the democracy', Kleitophon reflects the moderate point of view, that the Cleisthenic democracy was the true democracy, not the later, more radical constitution. The final part of §3 may be a comment by Aristotle which reflects his own judgement, but to describe Cleisthenes' constitution as 'similar to that of Solon' is over-simplified, as the preceding accounts in the *Constitution of Athens* have shown. He may be giving what he believed to be Kleitophon's own views. Herodotus (VI,131,1) regarded Cleisthenes as the founder of Athenian democracy, and Thucydides gave the slogan of the reformers of 411/10 as 'not to have the same form of democracy' (VIII,53,1). Plutarch (*Cimon* 15) said that Ephialtes was a radical who upset the 'traditional laws', meaning the aristocracy in the Greek sense (cf. *Pericles* 3); his source was conservative in outlook. The investigation of earlier laws continued after the fall of the oligarchy. It is because it was undertaken at such a period of political turmoil that some of our information about the earlier history of the Athenian constitution is of dubious reliability and appears to reflect later propaganda rather than what actually happened. What was 'discovered' in the late fifth century became the accepted canon.

The suspension of constitutional safeguards was an essential preliminary to any revision of the constitution because the indictment for illegal proposals could be used against any resolution proposing a change in the basic structure of the democracy. Aristotle gives details, while Thucydides just includes the bare facts (VIII,67). The provision that offenders were to be handed over to the *strategoi* not the *dikasteria* suggests some form of martial law; it would not have been acceptable under ordinary democratic legal procedures. The general abolition of pay except for compensation at a very low rate for those on full-time duty (Prytanies) or with expensive ceremonial obligations (Archons) is the obvious step for a moderate reform. In this way the government is effectively open only to those who have enough money to devote time to it without endangering their livelihood. The limitation of active political rights to 'those best qualified in person and property to serve the state up to a total of not less than five thousand' represents, in effect restriction of these rights to those of hoplite status. There is an interesting contrast with Thucydides, who says (VIII,65,3) that the maximum number was 5,000. Aristotle's figure is confirmed by a speech which has

been preserved among the works of Lysias, and was probably written in 410/9, which records that Polustratos, appointed to produce a list of the 5,000, included 9,000 on the list (*for Polustratos* 13). If the figure 9,000 is correct, the difference between Aristotle and Thucydides may represent two different stages in the development of the constitutional proposals. Either the first stage is represented by Aristotle, and had a propaganda motive to reassure the Athenians that the proposed oligarchy was not really narrow and exclusive, while Thucydides is nearer to what the instigators hoped to put into effect—a much narrower and more easily controlled group, or the reverse is true, and the oligarchs were forced to concede a wider group to conciliate doubters. The power to conclude treaties was no doubt included specifically to allow the oligarchs a free hand in negotiations with Sparta, but is implicit in their whole take-over of government.

The body of 100 chosen by the ten tribes were those charged with the enrolment of the 5,000. They began work only just before the Four Hundred fell; one of them was the Polustratos mentioned above.

XXX From the preliminary moves Aristotle turns to the actual drafting of the constitution. It is noteworthy that it is said that the proposals were ratified by the Five Thousand, although we know that body was not yet important (XXXII,3 and Thucydides VIII,93,2). Thucydides (VIII,67,2) says that the meeting of the *Ekklesia* at which the ratification took place was held at Colonus, outside the city walls of Athens. With the Spartans occupying Deceleia, perhaps only those who could afford to arm themselves could risk going to the meeting, and they would have to go in a large and organised body; this factor may have limited attendance to the hoplites.* As noted above, the hoplites were virtually synonymous with the Five Thousand in the minds of at least one section of the oligarchs, and this is presumably why the statement accepted by Aristotle could be made. One may deduce that Aristotle's source for XXX and XXXI believed the Five Thousand to have been established at an early stage; this is almost certainly wrong, but the impression may stem from propaganda moves at the Colonus meeting.

The remainder of the chapter describes a constitution drawn up 'for the future' (XXXI,1); the body of 100 responsible for drafting were selected at the meeting of the *Ekklesia* which also passed the preliminary suspension of the indictment for illegal proposals. It is legitimate to presume that the 100 men were carefully selected, and that the real drafting was largely done by a much smaller inner group. It is possible that this group of 100 overlapped to a significant extent with the body of ten from each tribe mentioned at the end of XXIX, but the two are not identical, at any rate in theory.

The *Boule* was to be made up of men who were over thirty years of

* One would like to know what pretext was used to procure a meeting of the *Ekklesia* at Colonus rather than in the city.

age and members of the Five Thousand. In §3 a rotation among four sections, each called a *Boule*, is envisaged for the future; only one section was to be active each year. This is reminiscent of the constitution of Boeotia described by the Oxyrhynchus historian (see above, Part I), and was probably modelled on it. Naturally, members of the *Boule* were not paid. The magistrates of the state were *ex officio* members, selected from the active section of the Five Thousand. About 100 magistrates are mentioned in §2, and it therefore seems likely that the preliminary elections took place for each office in turn. If the drafters anticipated a vote at which would be presented a single slate of candidates successful in preliminary elections covering all posts, there would have been relatively few of those eligible who were not on the list as candidates for one post or another.

Of the less important offices mentioned, the *Hieromnemon* had recording duties, though exactly what they were is not known; the commanders of the tribal hoplite and cavalry units and the cavalry commanders are discussed below (LXI Commentary); the commanders of the garrison and the treasurers are self-explanatory, while the *Hellenotamiai* were treasurers of the tribute paid by the allies; their title ('Treasurers of the Greeks') was a survival from the original founding of the Delian League on a basis of something nearer equality, and was rooted in the old Greek league against the Persians. The number of *Hellenotamiai* was doubled at this time (Meiggs/Lewis, p. 258); this proposal at least was put into effect and the change was not reversed under the restored democracy. The commissioners in charge of sacrifices and the overseers were both groups of religious officials. All these positions were, of course, to be filled by election.

Nowhere does Aristotle or Thucydides give the size of the *Boule*; §5 suggests that there was an element of sortition in the allocation of members to each of the four divisions, as in the decision of the order in which they held office (§3) though an emendation to §5 eliminates the use of lot in the actual selection of members, and could be correct. Nowhere is it actually stated that there were 400 members in the *Boule*, though it may be implied in Thucydides VIII,93,2. The probabilities are heavily in favour of the proposition that the reformers were thinking in terms of a body of about this size, for this is the size which they selected for the preliminary *Boule* which took over at the time of the coup. Further, Solon's *Boule* was also of 400, which would be of at least symbolic importance to them; cf. XXXI,1. If they were thinking of 400, this cannot be made to tally with the suggestion that each *Boule* was a quarter of the Five Thousand, unless, as is just conceivable, they had in mind the phrase used by Thucydides 'up to five thousand', and were in fact planning for a very much lower figure. Here we come face to face with the root problem in all discussions of the sources on this topic. The whole oligarchy lasted for less than a year, during which period it underwent a number of modifications because of various pressures; at the same time, at least one theoretical 'blueprint for the future' was circulated. Chapter XXX is explicitly one of these plans, not an actual constitution

which was put into practice. In all probability the plans had a large element of propaganda in them, and this may have been the main motive for their circulation. It is wrong, then, to expect that they will be fully analysed and worked out schemes with every detail complete. It is probable that such items as the exact size and composition of the *Boule* were not stated at the time of issue, and never subsequently decided because the plan was never put into practice. The 'Constitution of Draco' (above, IV) may be another such document from the period, though it appears to have some later additions or modifications; it is in many ways remarkably similar to the present plan. If Aristotle has seriously condensed his original source, this also may account for some of the obscurities.

Perhaps the most revolutionary feature of the plan as Aristotle describes it is that it apparently abandons the system of having two separate bodies, one to prepare legislation, and a larger one to take the final decision. There is no provision for a larger body to ratify the decisions of the *Boule* in office. This may be another example of excessive condensation, or perhaps the fact that members of the *Boule* could bring others of the Five Thousand to meetings (§4) was felt to be a sufficient way to involve those not in office in any year with the main decisions.* Why the *Hellenotamiai* who were handling the finances should be excluded is a mystery. The phrasing of the sentence also implies, interestingly, that not all were involved as active treasurers at the same time, but it is an odd provision to exclude the active ones from discussion and decision-making while admitting those who were not active; possibly there may be a corruption in the text.

There is no reason to suppose (with von Fritz/Kapp) that the hundred men mentioned in §1 as drafting the constitution were not the same as those in §3 who were to allocate citizens to the four divisions. The provisions for running the *Boule* are self-explanatory, and in any case theoretical; they tell us what was felt to be the right way of running such a body, not how one was actually run. The most interesting feature is the frequency of the use of the lot in deciding who should perform various functions. Again, we see the passion of the Greeks for equality, which is as strong within the restricted body of an oligarchy as it is in a democracy among the whole citizen body. The size of the fine for absence indicates the importance attached to proper performance of public duties, and is indicative of the fact that all members must have been reasonably well off.

XXXI The very vagueness of the phrase 'for the future' confirms the suggestion that the provisions outlined in XXX have a large element of propaganda in them; now Aristotle turns to the actual arrangements

* Conceivably, if the four *Boulai* were designed to be of 400 each, these 'associates' brought in were members of the Five Thousand not included in any of the four *Boulai*, but this seems unlikely since it would admit to decision-making those not included in the 'dormant' three-quarters of the *Boule*, although the latter were presumably thought of as more important than the ordinary members of the Five Thousand.

which were intended to cover at least the year 411/10; the reluctance with which the Four Hundred yielded to pressure to establish the Five Thousand argues that they had hoped to maintain these 'provisional' arrangements for a longer period.

According to Thucydides (VIII,67,3) the *Boule* of 400 was established by the following process: five 'presidents' were selected; they chose a hundred men, and each of the hundred picked three others to join him. This is a more precise statement than Aristotle's, and preferable not merely for that reason, but also because it is easier to see how the method described by Thucydides could be closely controlled by the leaders of the coup in order to ensure that the 'right' men were appointed. It may be that the added details recorded by Aristotle are correct; he says that the Four Hundred were selected from a previously picked body, and that the constitution of the group was balanced over all the tribes; such previous selection would give the 'Five Thousand' (or rather those who attended the *Ekklesia* meeting) the feeling that they had some say in the proceedings, while it was unlikely to lead to the exclusion of people regarded as vital by the conspirators; balancing membership among the tribes would satisfy the desire for equality within the oligarchic group. However, Aristotle omits the process by which the forty from each tribe were selected from 'the group previously elected'; another example of condensation, or of suppression in his source? von Fritz/Kapp regard the procedure as too cumbersome to be that used at the original establishment of the provisional Four Hundred (who, as they rightly point out, were selected in something of a hurry), and therefore advance the hypothesis that Aristotle preserves here also a document intended to pacify objections, embodying a 'somewhat less arbitrary' method of selecting the Four Hundred in future. This is not a necessary supposition. The process is not all that cumbersome, and could easily have been carried through in a day or two, particularly granted the possibility of coordination through the already highly organised oligarchic clubs. The fact that the old *Boule* and the *Ekklesia* went on meeting for a few days after the coup (Thucydides VIII,67–9) shows that the oligarchs did not have everything cut and dried immediately. The statement that the *Boule* of 400 was constituted 'according to tradition' probably means that it was believed to be an imitation of the *Boule* of Solon; the phrase was a normal propaganda expression to refer to his constitution.

The final provision of §1 effectively gives the new *Boule* full power to run the state. Constitutional reforms were to be observed (§2)—a virtual blank cheque for the inner group who would draft them. The appointment of *strategoi* could not even wait a day or two for the establishment of the *Boule*, for Athens was in the midst of a desperate crisis in the war; hence the provision of a temporary board of ten, to be superseded by those selected by the *Boule* as soon as possible. There is, of course, no necessary implication that the Five Thousand did not pick those wanted by the leaders, or that the *Boule* would necessarily make changes; what is reserved is the *right* to make changes, which

means that a smaller group of oligarchs would be able to eliminate any undesirables if necessary. The *strategoi* so appointed were to have full powers for 411/10, and consult with the *Boule* where they needed to. This should be read in the light of the normal practice of the fifth century, whereby the appointment of *strategoi* 'with full powers' does not imply that they were something like military governors, but only that they were free to make their own military decisions without consulting the *Ekklesia* in a wider field than *strategoi* without the extra grant. The Five Thousand ('they' at the beginning of §3) also elected the next ranking officers for this occasion only to save time; thereafter they were to be elected 'according to the proposals', which may refer either to the document in xxx or to xxxi,2. Rotation of offices is decreed, as would be expected, with the obvious exception of *strategoi* (as under the democracy) and members of the *Boule* because there would not be enough men qualified if they could only hold office once, even if there were only 400 men at one time. Even under the democracy, a man was entitled to be a member of the *Boule* twice in his life, and with the strict equalisation of everyone's chances which prevailed there, the only logical deduction is that this provision was necessary to ensure that there were always at least 500 men willing and qualified to serve.

The final sentence of the chapter is either corrupt or very tortuous. The meaning may be that once the constitution described in xxx is brought into effect, the provisional *Boule* of 400 is to be allocated by the 100 men of xxx,3 to all four sections. They were presumably intended to be influential. Again, this is said to be 'for the future'—a phrase with an ominous ring to modern ears, when so many 'temporary' governments have somehow endured.

XXXII Aristotle now switches away from strictly constitutional analysis to actual events. There is no distinction in the text between the 'Five Thousand' and the 'main body' in the passing of the proposals and their ratification. Thucydides (viii,69,1) confirms that the establishment of the Four Hundred was ratified by the *Ekklesia* meeting at Colonus. The phrasing 'under the presidency of Aristomachos', without father's name or deme, is similar to the standard formula of inscriptions of the period. Aristomachos is otherwise unknown. Thargelion and Skirophorion are the last two months of the Athenian year, running from mid-May to mid-July approximately; the 'democratically selected *Boule*' would in the normal way have been chosen before the coup, and so could be referred to in the way it is here. Thucydides gives the details of the take-over of power in viii,69. The hiatus of eight days between the dissolution of the democratic *Boule* and the time when the Four Hundred took office was presumably covered because the Four Hundred had effective control although they had not as yet finalised and 'regularised' their position.

Aristotle sets the establishment of the Four Hundred in 411 (the end of the Archonship of Kallias) in the wide sweep of Athenian develop-

ment by referring back to the expulsion of the tyrants, as had Thucydides before him (VIII,68,4). For all the changes of the intervening period, this was the first violent and total upset—a longer than average period of stability in Greece. The three leading oligarchs are commended in glowing terms both by Thucydides and Aristotle, although there is a sinister undertone to the passage of Thucydides on Antiphon.* After the overthrow of the oligarchy, Antiphon was executed, Phrynichus had been assassinated, Peisander went into exile at Sparta, but Theramenes had changed sides—his political opportunism is described acidly by Lysias (*against Eratosthenes*, 66ff). He turns up again later as a member of the Thirty in 404, as do Melobios and Kleitophon, who were involved in the preliminaries of the coup of the Four Hundred (XXIX,1 and 3); Mnasilochos (XXXIII,1) appears to have followed the same course.

The final section states unambiguously that at the time the Four Hundred took office the Five Thousand were only a possibility for the future without any real existence, and also notes that the first move of the oligarchs was an attempt to make peace on the basis of the status quo; when the Spartans demanded the surrender of the naval empire, they withdrew the proposal. Perhaps at this stage this was too much even for them, though more probably their problem was that they could not answer for the fleet at Samos, and the negotiations therefore foundered. The Spartans were content to let Athens destroy herself for a little longer before making a move. Here, as at the beginning of XXXIII, Aristotle includes material not found in Thucydides.

XXXIII The actual occasion of the fall of the Four Hundred was the Spartan attack on Euboea described in Thucydides VIII,95. Euboea had always been important for Athens as a source of food, and was doubly so after 413, since the Spartan occupation of Deceleia had virtually halted agriculture in Attica, and Athenian livestock had been transferred to the island. However, a contributory factor leading to their overthrow after only four months was probably that they attempted to retain power as a narrow oligarchy. At all events, Theramenes saw which way things were moving for the second time, and joined the agitation which led to the establishment of the Five Thousand (Thucydides VIII, 92). The title was not to be taken literally, for all those who could supply arms for themselves (as hoplites) had full citizen rights; there were many more than 5,000. In this respect, one may compare the constitution ascribed to Draco in IV,1 and the constitution of Boeotia in the Oxyrhynchus historian. Aristotle and Thucydides both approve the compromise, reflecting their disapproval of radical democracy; Aristotle's words ring a little hollow after his warm praise for the oligarchic extremists.

* VIII,68, where Phrynichus is also included among the leaders; his omission by Aristotle is remarkable, particularly in view of the important part he plays in the reference to these events at *Politics* 1305 b 27ff.

DEMOCRACY RESTORED

XXXIV The Five Thousand is not included by Aristotle in his list of the eleven changes of constitution at Athens, and he clearly regarded the overthrow of the Four Hundred as the change, and its successor as democracy. From this it follows that the actual constitution which succeeded the Four Hundred in 411 cannot have been identical with that described in xxx, though there were elements in common; otherwise Aristotle would surely have given details and included it as a twelfth change. Secondly, the transition from the Five Thousand to the full democracy was probably gradual. For some time before the Five Thousand had been working in full harmony with the fleet at Samos which had claimed to be the rightful Athenian democracy throughout the oligarchic usurpation.

Aristotle chooses to comment on only two events of the period between 410 and 404, the execution of the *strategoi* after Arginusae (406/5) and the refusal of Spartan peace terms shortly afterwards at the instigation of Cleophon. Both are no doubt selected as illustrations of the workings of the democracy, and are intended to be taken as typical. The Arginusae affair was certainly disgraceful, and the execution of the *strategoi* illegal in form, but Aristotle exaggerates, as also does Plato (*Apology* 32 b); only eight generals were present at the battle and indicted, and only the six who were injudicious enough to return to Athens were executed; cf. Xenophon, *History*, I,vi,27–vii,35. The peace terms are not mentioned by Xenophon, and are very similar to those which had been offered by Sparta after Cyzicus (410) and again rejected, probably on the urging of Cleophon. Cleophon was in favour of a vigorous war policy, but was clearly mistaken to reject the later proposals, and probably mistaken on the earlier occasion also; Aristotle accuses him of 'deceiving the people' (xxviii,3). He was very unpopular in some quarters (cf. *Frogs* 1504), and the breastplate might have been worn for protection, though it was more probably a theatrical gesture to discredit his opponents; compare Cicero at the time of the Catilinarian conspiracy. The cities whose surrender Cleophon demanded must presumably be those subject to Athens before the beginning of the war which had been captured by the Spartans or gone over to them.

The defeat of Athens inevitably involved a change of constitution, for the radical democracy had been consistently and implacably hostile to the Spartans. Again the phrase 'ancestral constitution' included by Aristotle in the treaty would have meant different things to different parties depending on their interpretation of earlier Athenian history. This was no doubt the reason for its use, for it would seem tolerable for the democrats, who would read it as implying the continuation of the essential elements of the democracy, while the Spartans were at liberty to interpret it in a far more oligarchic way, and so, once the peace had been accepted, enforce their will on a powerless city. The compulsory return of the exiles strengthened the oligarchic group, and was deliber-

ate Spartan policy. The dispute is described by Diodorus (XIV,3,2–3), perhaps relying on Ephorus: 'The Athenians . . . made a treaty with the Spartans, which required them to take down their walls and revert to their ancestral constitution. They dismantled the walls, but did not agree about the constitution. Those aiming at an oligarchy said that the ancient organisation should be revived, according to which very few men had complete control; the majority of Athenians wanted a democracy and brought forward the constitution of their fathers and demonstrated that this was agreed to be a democracy.' Plutarch quotes the decree of the Ephors validating the actual peace, but, since it deals with the terms of surrender, perhaps naturally it contains no provision about the constitution (*Lysander* XIV); Xenophon also omits any mention of the constitution at this point (*History* II,ii,20), though later he mentions the 'drafting of the ancestral constitution' in connexion with the appointment of the Thirty (II,iii,2). Aristotle's statement is strong, though not decisive, evidence that there was at least some hint of a change of constitution in the originally negotiated terms.

Descriptions of the moves which led up to the overthrow of the democracy are conflicting. Lysias, in his speech *against Eratosthenes*, in attacking one of the Thirty, gives an account which is very hostile to Theramenes. He first describes how the extremists in the oligarchic clubs took control of the situation while the democracy was still nominally in control (§§43f); Critias figures largely here. Then in a long account (§§68–78) he describes the actions of Theramenes, implying that everything he did was designed to deceive and weaken the Athenians and ensure his own position. He went beyond the minimum terms demanded by the Spartans, and arranged the presence of Lysander at the decisive meeting of the *Ekklesia* to overawe any opposition. Significantly, Lysias claims the authority of Theramenes' own defence before the *Boule* for what he says. On the other hand, Diodorus (XIV,3,5–7) gives an account which is much more favourable to Theramenes, in which Lysander is the prime mover of the establishment of the Thirty, and Theramenes opposes him until threatened with execution. Aristotle appears to incline to the assessment of Lysias rather than that of Diodorus.

THE THIRTY AND THE TEN

XXXV Diodorus is the first surviving writer to use the term 'the Thirty Tyrants', which has become the accepted name for the group which took power in Athens in 404, although Aristotle describes their rule as 'tyranny' in XLI,2; it is preferable to retain 'the Thirty', the term used by Xenophon, Aristotle and many other writers, omitting the word 'tyrants'. They are normally described as an extreme oligarchy, though they were in many ways more like a modern Latin-American military junta. According to Xenophon (*History* II, iii, 2 and 11) they were appointed to draft the ancestral laws, but neglected to do so, and so retained supreme power. This is referred to obliquely by Aristotle in §1, but the phrase he uses might be read as implying that

they should have done more than draft a constitution; if Aristotle had a tradition to this effect, it is now lost. The *Boule* of five hundred bears no relation to any previous *Boule*, for the history of the period shows that its functions were purely advisory, and it was no doubt designed to give the humbler supporters of the oligarchs a feeling of taking part in the government. The 'other magistrates' included the eight Archons in addition to Puthodoros; we do not know what other officials there were. Aristotle's text implies that (including the *Boule*) more than 500 appointments were made from a body selected from a larger group which itself numbered only 1,000; although there is no need to assume that the governors of the Peiraeus and the prison, let alone the 300 whip-bearers, came from this number, there may be something wrong with the text. The process of selection seems complicated if there were so few to choose from; perhaps one should read 'from the tribes' for 'from the thousand'. The governors of the Peiraeus and the prison were strong supporters of the Thirty—it is significant that they were among the few excluded from the general amnesty after the overthrow of the oligarchy (xxxix,6). The 'whip-bearers' were a gang of 'strong-arm men' used to enforce the will of the Thirty.

The removal of the laws concerning the Areopagus implies that the laws of Ephialtes curtailing its power were actually recorded there (cf. xxv,2), and their removal suggests that they were repealed and that the Areopagus may have recovered its old position, although this is not a necessary implication; the point is in any case theoretical since the Thirty allowed no exercise of power apart from their own.* Archestratos may have been a supporter of Ephialtes, though, if so, this passage is our only information about him; the name was not uncommon, and the reference could equally be to a later reformer. The laws of Solon which were abolished were probably those referred to in ix,2 above. Aristotle links the reform with the abolishing of the powers of the *dikastai*. He may mean that the *dikasteria* ceased to sit; however, one should probably take the reforms together, and read the latter provision as meaning that they abolished the right of the *dikastai* to interpret the law where it was not clear, particularly in view of the similarity of phrasing here and in ix,2. The example given at the end of §2 is the abolition of a provision which could obviously lead to litigation to decide, for example, whether a testator was in his right mind or not; however, this is not a matter of interpreting the law, but of judging the evidence. Litigation about inheritance was frequent and tiresome in Aristotle's own day; hence perhaps the example he selects, and his apparent approval of the measure. Excellent as it may be to reduce litigation, the frequency in modern legal codes of provisions similar to those which were suspended argues their necessity.†

* But see below on xlv.

† Note that the right to leave property outside the family existed only where there were no legitimate sons, and was subject to the claims of daughters and other male relatives in certain circumstances. This limitation presumably remained in force, but is not mentioned because Aristotle is discussing only provisions which caused disputes.

Informers were an inevitable result of the legal systems of both Greece and Rome. In neither was there any official comparable to the modern Public Prosecutor, and every case therefore had to be initiated by a private individual, cf. IX,1. Since there was an inherent risk in prosecuting because the decisions of juries were unpredictable and often rested on considerations other than a strict interpretation of the law and the facts, there had to be some sort of encouragement to people to undertake necessary but unpopular prosecutions—for example, those of politicians suspected of misappropriation of funds or misuse of their office. Prosecutions could be politically motivated, but it was usual for a leading politician not to take the risk involved; it was noted that Cleon was unusual in undertaking prosecutions himself, and in fact is said to have gained popularity by doing so. Hyperbolus also is said to have been fond of prosecuting (Scholiast on Aristophanes, *Acharnians* 846). Otherwise, encouragement to prosecutors was provided by the opportunity which a case gave to an aspiring young politician to make his mark, and also by provisions under which those successful received a reward. Inevitably, this in turn produced men willing to bring false charges in the hope of winning despite the facts. See further below on LIX. Such men were very unpopular, and the action of the Thirty in suppressing them was bound to meet with approval. It should be noted, however, that by suppressing them, the Thirty aimed not only to win popularity; they were also abolishing what they would have regarded as one of the worst vices of democracy. The figure of 1,500 murdered is probably the total for their period of rule, not, as Aristotle implies, only for a part of it.

XXXVI At this point the divisions in the ranks of the oligarchs come into the open. Theramenes may have always been inclined to a moderate form of oligarchy, something more akin to the Five Thousand he had supported before. Archinos and Kleitophon probably also supported this side; Archinos later went into exile and was a leader in the restoration of the democracy. The Thirty reacted with a typical delaying tactic comparable with the vague proposals about the Five Thousand propounded by the Four Hundred early in their period of power. It is a reasonable supposition that the Thirty never intended to bring the Three Thousand into any position of real power, even after they were eventually forced to publish the list. Theramenes returned to the attack on the basis that 3,000 was too few—the 'Five Thousand' he had supported may have numbered over 9,000 in fact—and on the basic premise that a government depending on force must be strong enough to govern. However, his attack was not immediately successful, and the Thirty retained their grip on the city. This whole chapter is very similar to Xenophon's account (*History* II,iii,15–20), though he implies that the Three Thousand were constituted without delay; both authors agree closely on Theramenes' views. Their difference on the narrative may indicate that Aristotle is not taking his account directly from

Xenophon, and that both authors had access to an account of what Theramenes actually said.

XXXVII The institution of the Thirty and their reign of terror had produced a large exodus of democrats who found refuge in the surrounding states, not least in Thebes. Although the Thebans had recently been so implacably hostile to Athens as to demand her total destruction when the peace of 404 was being discussed, they were now not merely horrified by the behaviour of the Thirty but also probably apprehensive of the enormous power of Sparta and the way she was using it. The exiles launched a daring attack on a remote fortress in north Attica called Phyle in January, 403. The failure of the Thirty in a counter-attack on the fort strengthened support for the insurgents, and probably in May they moved to Munichia and the Peiraeus (xxxviii,1). In the interim Aristotle places the disarming of all the citizens except the Three Thousand, the execution of Theramenes and the introduction of a Spartan garrison on the Acropolis. This last move demonstrated the accuracy of Theramenes' assessment of the weakness of support for the Thirty. Xenophon, who was in Athens during the regime of the Thirty, dates the execution of Theramenes before the seizure of Phyle, and is to be followed here, and also in the suggestion that the Spartan garrison was introduced, and the people disarmed earlier. Xenophon's account of Theramenes' final speech and death (*History* ii,iii,35–56) is a fine and dramatic piece of writing, interesting in the context of the hostility of the preceding account, and made all the more impressive by his statement that Critias struck Theramenes off the roll of the Three Thousand not in virtue of an enactment but solely by his power as leader of the Thirty. The violence on which the Thirty depended is admirably exemplified in the whole account. Theramenes' death resulted from an honourable stand, but can hardly be said to redeem his earlier career even if one does not accept fully the hostile view exemplified by Lysias, *against Eratosthenes* 67.

For the destruction of the fort at Eëtioneia and Theramenes' actions then, see Thucydides viii,92,10; again Aristotle assumes that his audience knows what happened. One may connect the fact that the Thirty thought it necessary to explain the execution of Theramenes to the Spartans with the important part he had played in the peace negotiations of 404.

DEMOCRACY FINALLY RESTORED

XXXVIII The occupation of Munichia and its successful defence against the force sent by the Thirty led to the democrats occupying the Peiraeus; Critias had been killed in the attack on Munichia. The resultant deposition of the Thirty and substitution of a board of ten which in fact did not 'bring the war to an end', but attempted to get Spartan help to bolster their position, probably represents the seizure of power by a group within the Thirty rather than the establishment of a totally new body. It is difficult in the light of the sources to maintain

the existence of two boards of ten, and the Ten mentioned in §3 who arranged the final reconciliation and the restoration of the democracy are well attested, and manifestly different from the Thirty.

Thus, when the attempt to get Spartan support failed, the Three Thousand were able to take control, depose the remnants of the Thirty, and substitute a different group. The Athenians gravitated to the side of the democrats, and a compromise was reached. Pausanias showed considerable statesmanship in effecting the reconciliation; he tacitly admitted that an oligarchy could be maintained in Athens only by force, and that this was neither desirable nor practicable without real support from a sizeable section of the population.

There are differences of detail between Aristotle's account and that of Xenophon; the latter is superior, particularly in the sequence of events; cf. *History* II,iv,1–39.

XXXIX The final reconciliation in 403 is dated in September by Plutarch. The settlement of the oligarchs and their supporters at Eleusis was the result of one of their last acts of tyranny (Xenophon, *History* II,iv,8–10); they had prepared the town as a retreat when they began to lose control of Athens, and had ejected or murdered a large number of the inhabitants—hence the superficially surprising provision in §3 which allowed only those citizens of Eleusis who then were acceptable to the oligarchs to stay in their own town. Eleusis was virtually independent of Athens until 401/0, when the surviving oligarchs were defeated and the town reunited with the rest of Attica; the leading oligarchs were murdered, the rest 'reconciled' (cf. XL,4 and Xenophon, *History* II,iv,43). The careful and detailed provisions about the temple and the priesthoods underline the importance of the Eleusinian Mysteries to all Athenians; the Kerukes and Eumolpidai were hereditary priests of the cult (cf. LVII,1).

The other details of the settlement as it affected Eleusis require no comment, but the whole document is remarkable for its good sense and equity. Only the central core of the oligarchy—the Thirty, the Eleven (who were the executioners), and the governors of the Peiraeus were excluded from the amnesty.* The right they were given of submitting to a *euthuna* was somewhat hollow; their original exclusion from the amnesty arose from the crimes they had committed under the oligarchy, and therefore submission to a *euthuna* was in practical terms out of the question; they would have put their heads into a noose.

XL Archinos is described as one of Thrasybulus' associates in restoring the democracy. Despite the lack of any condemnation here from Aristotle, his actions were not all admirable. His method of preventing too many people moving to Eleusis was illegal, but, as Aristotle says, he probably took the right decision; it prevented the secession of a large enough body to produce a real split in the state. What actual

* For the text, see above on XXXVIII.

procedure be adopted is unknown; it must have been very abnormal. The democracy honoured the pledged amnesty, and as far as we know those who wished to go but did not do so were not legally victimised, however socially difficult their position may have been for a while.

The proposal of Thrasybulus to enfranchise those who had aided the return from the Peiraeus is a different matter. A scholiast gives fuller details: 'They trusted those who appeared to defend the laws. Archinos from Koile brought a charge for illegal proposal when the democracy was reestablished; Thrasybulus had proposed to grant citizenship to Lysias the Syracusan [the orator] because he had given five hundred shields to those fighting in Phyle and had hired three hundred mercenaries from Aegina. Archinos from Koile indicted him for an illegal proposal in that he had proposed a law when a *Boule* had not yet been constituted, and the jury condemned him for it. . . . Thrasybulus came forward in the discussion of the penalty, and said: "I judge myself worthy of death, for I did well by the Athenians, but they are ungrateful." The jury were ashamed, and fined him one drachma, but even so they did not make Lysias a citizen.' (Laurentian Scholion on Aeschines, *against Ctesiphon* 195). The story illustrates the difficulty of getting citizenship in a city other than one's own, for Lysias had not merely done the Athenians great services but had also lost his money, and his brother had been murdered by the Thirty; the action described here, together with the fact that Archinos blocked various proposals of crowns for those who had done good services in the return makes him seem somewhat less than magnanimous. His action in attacking someone for violating the amnesty was indeed right, for the only way of reestablishing the state after such a traumatic period was for the Athenians to turn their backs on the past, but it is legitimate to ask whether an illegal execution was the best way of reestablishing the rule of law; cf. XLV,1 with Commentary. At the same time, Archinos brought in a law to bar any actions brought in contravention of the settlement oaths (Isocrates, *against Callimachus* 2–3); clearly an influential man.

Lysias (*against Nicomachus* 22) suggests that the Athenians were in fact forced to refund the money borrowed by the oligarchs from Sparta. Despite this, Aristotle is right to praise the Athenian actions; one detects the note of surprise in what he writes—he did not normally find such virtue in democracies.

XLI After the anticipatory digression at the end of the previous chapter, Aristotle returns to his main theme. The apparent dating of the final establishment of democracy to the Archonship of Puthodoros is a year too early; the correct Archonship is given in XXXIX,1, and it seems that part of the sentence containing a reference to an event of the previous year is missing from the surviving text. The last sentence of §1 is again perhaps a slightly wry comment by Aristotle in view of his general opinion of democracy.

The stated total of eleven changes of constitution will work only if the constitution of Draco is not included; IV and XLI cannot be totally har-

monised. It has been noted above that there is every reason to reject the content of IV on historical grounds, and perhaps reason to suspect that it may have been an addition to the original text. The present passage refers to 'the constitution of the time of Draco' and need not be read as implying that there was any significant change in his day; Aristotle mentions specifically only the passing of his 'laws'. The latter are accepted as genuine, and the mention of his name here is probably meant merely to place him in the chronological sequence; the existence of the tradition which produced IV implies that he might have been expected to feature in a list like the present one, and this may be why Aristotle included him. The fact that he is included here in this way not merely casts further doubt on the validity of IV but also makes it easier to see how that chapter came to be included.

Of the other constitutions mentioned, those of Ion and Theseus were discussed in the lost beginning of the papyrus; cf. the Appendix, p. 311. Ion was the eponymous ancestor of the Ionians, and the four tribes at Athens were supposed to be descended from his sons. None the less, the Athenians believed that they were autochthonous, that is, that they had always lived in Attica; yet Ion was a later arrival. They were trying to maintain their claim to be autochthonous, of which they were very proud, and reconcile it with their claim to be the hereditary leaders of the Ionian Greeks. Theseus was traditionally responsible for making Attica into one state. It is only after these two stages that we emerge from the realms of myth into something which has a basis of historical reality.

The other constitutions have been discussed in detail already. Aristotle's slightly stilted comment on Aristides is a reference to the development of the democracy after the Persian War; he quite rightly not merely recognises that the change to Archonship by lot and the other associated modifications of the constitution of Cleisthenes amount to a new stage, which he calls 'the constitution after the Persian War', but that there were changes between 478 and 462/1 which were significant enough to be worth mention although they do not merit the status of a separate stage before Ephialtes. The radical democracy comes in for some very harsh comment; the reader must decide how justified it is in the light of the history of the period. The Five Thousand do not count as a separate stage, again rightly, since they were more of a modification which led directly to the restoration of democracy than a fully separate constitution, however much Thucydides may have liked such a compromise. At the end of the enumeration of the constitutions, Aristotle breaks into a violent denunciation of the constitution under which he lived at Athens; the only redeeming feature appears to be that the Athenians had devised a judicial system which was less easy to bribe than some. His prejudice is clearly seen, for all the admitted faults of the democracy of the fourth century.

'Pay' for attendance in the *Ekklesia* was introduced about 400, though the exact date is unknown; the fee was raised to three obols before 392 since it is referred to in Aristophanes, *Ekklesiazousai* 289–310; the way

in which it is mentioned may indicate that the sum had been recently raised. This last significant change before reaching the state of relative equilibrium which Aristotle describes as 'the present constitution' is indicative of the different spirit in Athens. Granted that in the fifth century meetings might be a hardship for dwellers in the country who were poor, nevertheless a sufficient number of people seem to have attended. After the restoration, the Athenians found that they could not get a reasonable attendance without some inducement; earlier men had been willing to make some sacrifice to perform their part in the government, but now this attitude had changed. The rapid rise from one to three obols is even more indicative; they were not prepared to accept a token, but only a sum which was reasonable compensation to a working man for the loss of a day's earnings.

Herakleides is an interesting exception to a general rule, for, as the text indicates, he was a native of Clazomenae, but was granted Athenian citizenship for his services in negotiations with the King of Persia (in 423 and afterwards); cf. Dittenberger, *Syll.* 1^3, 118.

THE ATHENIAN CONSTITUTION OF ARISTOTLE'S OWN DAY

Having described the historical development of the Athenian constitution, Aristotle turns to a detailed analysis of the various offices and institutions of his own day. The description is not fully applicable to the fifth-century democracy, but significant parts of it are, and they give us an invaluable insight into the details of government and administration which cannot emerge from the larger view of such historians as Thucydides and Xenophon. For them, the 'how' of political niceties is unimportant unless it had a direct bearing on the resultant action; we therefore get only a sporadic and fitful glimpse into procedure. Aristotle fills many of the gaps.

XLII Inclusion on the deme register was the basic proof of citizenship from the days of Cleisthenes, and enrolment took place before a man's fellow demesmen. Since 451/0 Pericles' citizenship law had required that both parents should be free and Athenian citizens, and the law had been reenacted after the fall of the oligarchy of 404/3. Nobody was admitted to full citizenship until he appeared to be eighteen; a man's age was the subject of investigation because there was no documentation of birth, and apparently many did not know their birthdays (cf. Plato *Lysis* 207 c). A man might produce evidence of the year of his presentation as an infant to the members of his father's phratry, or, if they could be found, witnesses to the Archonship in which he had been born. That disputes occurred shows that such evidence was not always available or decisive. That demesmen were fined for enrolling those who were judged to be under age (§2) will have ensured that they tried to avoid doing so.

There is no necessary contradiction between this passage and Aristophanes *Wasps* 578, where it is said that it is the privilege of the

dikastai to decide on the maturity of the young men (and they much enjoyed their duty!); this would refer to the decision of disputed cases. Aristotle is, however, the only authority to assign the approval of the decision of the deme council on this to the *Boule*. The combination of passages implies that there was an appeal also from a decision that a man was too young; it would be surprisingly out of tune with normal Athenian practice if a relatively small body like the deme council could take such a decision without appeal being possible. If this deduction is correct, Aristotle's phrasing is less clear than it might be. Once enrolled in a deme, a man was officially of the age indicated by his enrolment class, and this dictated his military service and also when he would be eligible for positions like membership of the *Boule* which were restricted to those over thirty. Equally, the deme lists were used for selecting men to perform liturgies, to pay capital levies (*eisphorai*), and for other purposes.

An accusation that a man was not free born was serious. The Greek word for 'free' implied also the possibility of being accepted as a full member of the community; a man could be rejected either for being of slave parentage or for being a foreigner. If a man had applied to be enrolled on a deme list and failed this test, he was sold into slavery; the penalty was fitting for the son of slaves, who was a slave unless specifically freed, and it is this class which Aristotle has in mind in discussing the sale into slavery of those rejected. To treat the sons of foreigners in this way would have been monstrously unjust, particularly since they could not have been legally held responsible for starting what the *dikasteria* had judged to be a fraudulent attempt to obtain citizenship.*

The period of Ephebic training lasted for two years, and had been modified just before Aristotle wrote; exactly what it involved is controversial. From the age of eighteen, all Athenians were liable to military service, and it appears that from perhaps as early as the second quarter of the fifth century the first two years of this liability involved the young men in some form of service which included training to fit them to take a full place in the defence of their city thereafter. Aristotle describes the duties of the Ephebes as 'patrolling the countryside and manning the guard posts'; similarly, Thucydides says that the 'youngest' of the citizens were involved in defence against invasions (II,13,7). On the other hand, this training was not continuous, for we know of many young Athenians who continued their ordinary lives when they would have been Ephebes, for example Glaukon, who is recorded as having tried to speak in the *Ekklesia* when he was not yet twenty (Xenophon, *Memorabilia*, III,6,1). In other words, the liability of the Ephebes was very similar to, and perhaps identical with, that of every other adult male citizen: to serve in the armed forces when required. This had

* A. W. Gomme, *Essays in Greek History* 75ff; note that, apart from attempted false enrolment as a citizen, a man could also be sold into slavery for failure to repay a ransomer if he had been captured, enslaved and then redeemed as, for example, Plato was.

changed by Aristotle's own day, when the Ephebes were required to serve continuously for their two-year period of training; the change may have been instituted by a law of Epikrates in 336/5.*

Under the new system, the Ephebes during their training garrisoned the two forts mentioned in the text which protected the harbour of the Peiraeus (cf. LXI,1), and, after completing a year's basic instruction, other guard posts near the land frontiers of Attica. They learnt the basic skills necessary to make them useful members of the mainly hoplite army, though some will have started to acquire these skills earlier in the gymnasia. The whole process, and their way of life, is reminiscent of the training of the young Spartans, though, of course, it lasted for only a short period. The care with which they were relieved of all outside calls on their time indicates how important this period was felt to be. It should be noted that although technically all citizens, that is all adult males enrolled on the deme lists, were entitled to attend the *Ekklesia*, in practice the Ephebes were now not free to do so.

An exception to their concentration on military affairs was made in the case of lawsuits concerned with inheritance and *epikleroi*, as well as the obvious and expected case where a man had to take up a family priesthood. *Epikleroi* were daughters of a family where there were no male children; the family property passed through them, though they were not what we would describe as heiresses, for they could not dispose of the property in their own right—women in most states in Greece had no right to own property in the fullest sense, the most notable exception being Sparta. Property was vital, and had to stay within the family group if possible.† The laws about *epikleroi* were designed to ensure this, and also to protect a woman if her father died. In that case, the nearest male relative could claim the orphaned girl in marriage, and the property would pass to the offspring of the marriage; male relatives were required by law to provide a girl with a dowry if one of them did not marry her himself. A dowry was normal, and had to be repaid if there was a divorce; it was regarded as part of the father's estate set apart for the maintenance of the daughter, and it is important that Athenian law always required a man in possession of his wife's dowry to maintain her. It seems probable that more girls than boys survived infancy, and this combined with battle casualties must have ensured that there was some competition for girls to marry—hence the dowry became more important. In practice both divorce and remarriage were apparently quite common, and young widows were normally expected to marry a second time.

XLIII The standard democratic principle that officers responsible for administration should be selected by lot was not impractical because

* See O. W. Reinmuth, 'The Ephebic Inscriptions of the Fourth Century B.C.', *Mnemosyne* Suppl. B. 14, 1971, 123–38.

† cf. W. K. Lacey, *The Family in Classical Greece*, 125ff on property, and 139–45 on *epikleroi*.

their duty was to carry out, or supervise the carrying out of, decisions made by the *Ekklesia*; they did not initiate policy themselves. The only deterrent which may have ensured a minimum degree of competence was that they had to undergo a *euthuna* at the end of their year of office; this was an investigation at which their accounts were checked and they were also answerable for their official actions during their tenure of office (cf. LIV,2). It has been suggested that this was enough to stop the really incompetent from putting themselves forward.

On the other hand, even the most extreme democrats recognised that there were certain positions in which expertise was essential; the military officers mentioned here are the clearest case, for the lives of those under their command depended on their ability. These officials were always elected, and were also exempt from the normal rule which dictated that any particular office should only be held once by any one man; cf. LXII,3. Aristotle here lists some other exceptions. The treasurer of military funds (perhaps a fourth-century post) worked closely with the *strategoi*. The Theoric fund was established to supply Athenians who could not afford it with the two-obol entrance fee to the theatre of Dionysus. In the fourth century it became more important, since all surplus revenue of the state went into it. Separate magistrates in charge of the fund were probably instituted in the mid-fourth century, and were very important by Aristotle's day. Similarly, the chronic shortage of water in Athens made the supervisors of the water supply important. The phrase 'from one Panathenaic festival to the next' refers to the Great Panathenaia, celebrated once every four years; therefore these three groups of magistrates also went contrary to the usual principle that no office was held for more than a year. Meiggs/Lewis 72, lines 1–2 contains an exactly parallel period of office. The offices Aristotle lists required expertise, which explains why their holders were elected, and perhaps why they held office for four years rather than one.

A council of 500 such as the *Boule* could be democratic only if it were selected by lot; ideally, nobody would be a member more than once in his life, but in Athens it was found necessary to allow two terms in order to ensure enough qualified and willing candidates, though two consecutive terms were not allowed (cf. LXII,3).

The detailed analysis of the workings of the Prytany system is vital, for the Prytanies formed the only body that was more or less permanently on duty. Each tribe's members of the *Boule* formed the Prytany for one tenth of the year; in the fourth century the lunar year dictated that their periods of office should not be absolutely the same length, since it contained 354 days.* Before 407 the prytany year was distinct from the Archon's lunar year, and close to the solar year. The Prytanies ate together in the Tholos, a round building in the south-west corner of the Agora, next to the Bouleuterion where the *Boule* usually met. From the

* Periods added to the calendar ensured that the lunar year was approximately harmonised with the solar year; see *OCD*²*s.v.* 'Calendars' with references.

fifty members a chairman was selected each day by lot, and he was on duty for twenty-four hours, sleeping in the Tholos with one third of the Prytanies. They thus provided a standing committee who could at any time initiate action if necessary. In addition, they received messages as they arrived in the city, e.g. the embassies mentioned in §6. Details of the Prytanies' duties are given in XLIV,1–3. There is an important distinction between the fourth century as Aristotle describes it and the fifth. In the fifth, the Prytanies, and in particular each chairman, presided over all meetings summoned during his day in office. This meant that there was a very reasonable chance of a man chairing a meeting of the *Boule*, for it met on every day except public holidays;* at a minimum there were four meetings of the *Ekklesia* in each prytany, and the chairman for the day presided there as well. Since there was a better than 70 per cent chance of each member of the *Boule* presiding over the Prytanies, there was a very real possibility of any member having to preside over a vital meeting of one of the other bodies. That they did so without disaster is a high tribute to the competence of the average members of the *Boule*. The above arrangements were changed in the fourth century to those described in XLIV,2, but this is not an indication that the system had broken down; the aim seems to have been to divorce the presidents for the meetings where decisions were made from the Prytanies of the period, presumably because the Prytanies were deeply involved in the preliminary drafting of proposals, and it was therefore felt that they could be over-influential if they presided at the *Ekklesia* as well. The reform was aimed at even greater democratic equality, not at increased efficiency; it also gave all ten tribes a share in presiding throughout the year. The date when the system was changed is unknown, but may have been as late as 378/7.

Aristotle digresses from his discussion of the mechanics of the workings of the *Boule*, which leads into a full analysis of its duties, to outline the topics discussed obligatorily once a month by the *Ekklesia*; the transition is effected naturally from the point that it was the duty of the *Boule* to include these items on the agenda which it drew up. The list itself (§§4–6) requires little comment; most of the individual topics are discussed further below; for ostracism, see above on XXII. The list which Aristotle gives does not, of course, cover all the topics discussed by the *Ekklesia*, but only those which were mandatory at particular meetings. The main function of the *Ekklesia* is implicit rather than explicit throughout his discussion: it had to decide everything of moment in all aspects of government. Discussions had usually to be initiated on the basis of a preliminary motion from the *Boule* (*probouleuma*), though this might only amount to a proposal that a topic should be discussed, and on rare occasions a discussion might take place

* The apparently large number of festivals in the ancient world can be misleading; there was then no seven-day week with a rest day built into it. Our modern weekends give 104 days a year when public business is not normally conducted, and it is unlikely that the total of festival days was much higher in fifth- or fourth-century Athens, high though their total was; see Ps. Xenophon, *Constitution of the Athenians* III,2.

without a preliminary motion. There was apparently a preliminary show of hands as to whether the motion of the *Boule* should be put to the *Ekklesia*; cf. §6. It was also open to the *Ekklesia* to pass a motion requiring the *Boule* to put a particular matter on the agenda for the next meeting.

The *Ekklesia* met on the Pnyx, a hill near the Acropolis, and the speakers spoke from a platform which was eleven feet high, from which both the sea and the Acropolis were visible. Meetings were well attended in the fifth century, although they involved participants in losing a day's earnings—a sign of the healthy spirit of involvement of the community in the city's affairs. The introduction of a fee for attendance about the year 400 indicates a change of mood, and must suggest that attendances had been falling; further evidence was the use of a rope covered with red chalk to 'sweep' those in the agora into meetings (Scholiast on Aristophanes, *Acharnians* 22)—anyone whose clothes were marked with the red who was not at the meeting was liable to a penalty; cf.XLI,3 and comment above. For a comic description of a meeting of the *Ekklesia* see Aristophanes, *Acharnians* 17–173.

Meetings were opened by priests purifying the assembly and reciting prayers, and the motions were then put forward, with the compulsory items listed by Aristotle coming first. The herald and the Scythian bowmen kept order, and speakers were required to keep to the point, speak on one subject at a time, and avoid scurrility, though one may legitimately doubt whether this regulation was observed meticulously. Anyone could speak, though members of the assembly were a critical audience quite prepared to shout down anyone they did not wish to listen to, or whom they regarded as incompetent. At the end of the speeches on a particular topic, a vote was if necessary taken on the motion put forward by the *Boule*; amendments were in order and could be voted on. Voting was normally by show of hands, though black and white pebbles were used for a form of secret ballot in important matters which affected individuals, particularly where loss of citizen rights or other severe punishment might result from the vote. The meeting was adjourned if any natural phenomenon occurred which could be interpreted as a bad omen, including rain, though this has an obvious practical reason for an assembly held in the open; for examples, see Aristophanes, *Acharnians* 171 (a joke?); *Clouds* 581–6; Thucydides V,45,4. If this happened, or if the business on the agenda was not completed, the meeting was reconvened the next day. Any emergency situation resulted in an immediate meeting of th *Ekklesia* outside the normal schedule.

One might easily overestimate the importance of the *Boule* and underestimate that of the *Ekklesia* from Aristotle's account; the impression is balanced by the works of the historians, who regularly talk of the *Ekklesia* and rarely of the *Boule*. The reason for this contrast is that Aristotle is concentrating on the mechanics of the constitution, and how proposals were formulated and came up for final decision, a process in which the *Boule* had a vital part to play; the historians are more

interested in the actual decisions taken. One must always remember the detailed control exercised by the *Ekklesia*, not merely over major matters of policy, such as war and peace and alliances, but also over what we regard as administrative decisions. They appointed the generals for an expedition, fixed the size of the forces, and gave detailed instructions on the conduct of the campaign from which the commanders in the field diverged at their peril. For example, the generals sent to Sicily in 425–4 were convicted on their return; their offence was that they had made peace without the specific instructions of the *Ekklesia*—though they had been presented with a situation in which they had no other choice. No doubt, the political consequences for the individual *strategos* resulting from such use of initiative depended on the success or failure of the action in question. Equally, the internal control of the *Ekklesia* extended to such details as approving the designs for new temples. For a detailed discussion of the functions of the *Boule*, see the following pages.

The procedure for accusations described in §5 was used against those who had forced the illegal trial of the generals after the battle of Arginusae; cf. Xenophon, *History* I,vii,34. It is of interest that metics were entitled to lay information as well as citizens; presumably here, as in other official actions, the formalities were conducted through the Athenian citizen who looked after their interests; cf. below on LVIII. On informers see above on XXXV.

XLIV The first three sections are discussed above (see on XLIII); one small point remains. The main repository of the treasure of Athens was the 'rear room' (*Opisthodomos*) of the Parthenon; the text says 'sanctuaries', but the Greek need not imply more than one place, although it could; the public records were kept in the Bouleuterion, and later in the Metroon. Needless to say, custody of the keys does not imply that the chairman had any part in the administration of the treasure or records.

Elections were held in the seventh prytany, and, if they were not unduly delayed by bad omens, this would mean that the officers mentioned in §4 would be elected about four months before they took office. The interval was necessary for the investigation of their eligibility at the *dokimasia*, and for substitutions should any be rejected. To have a preliminary motion by the *Boule* for the elections when they came at a fixed point and were not amenable to a motion in the ordinary sense is at first sight odd, but is necessary in the light of the provision that nothing could normally be handled by the *Ekklesia* which was not the subject of a preliminary motion (XLV,4). On the individual officers mentioned, see below on LXI.

XLV The incident involving Lusimachos and Eumelides is otherwise unknown. The most plausible interpretation places it in the immediate aftermath of the overthrow of the oligarchy in 403, for in the later fifth century the *Boule* had certainly lost any powers of arbitrary arrest

and execution they may have had at an earlier period; their summary jurisdiction was limited to a maximum fine of 500 drachmae, which, while not trivial, was not enormous. There were also limits on their powers of summary arrest; see the oath taken by members of the *Boule*, above on XXII. Demosthenes says that these limitations had been imposed by Solon (*against Timocrates* 148), but this cannot be so; he could not have reduced the powers of a body he created. In all probability the limitation was imposed at the time of the reforms of Ephialtes, and was included in the transference of all important judicial power to the *dikasteria*. Thereafter, if the *Boule* decided that the case demanded a more severe penalty than they were competent to inflict, they recommended accordingly, and passed the case to the *dikasteria* for a full trial and final decision. Apart from the fact that the powers of the *Boule* were probably greater before 462/1, the Areopagus certainly had wide-ranging authority at an early stage in Athenian history. It is therefore plausible to suggest that we have in the case of Lusimachos evidence that the oligarchs had revived some of these dormant powers in their recreation of the 'ancestral constitution'—witness also the 'trial' of Theramenes before the *Boule* under the Thirty—and that for a short while in a crisis situation the *Boule* of the restored democracy usurped similar powers until they were challenged and fifth-century democratic restrictions reimposed; cf. XL,2. The case of Lusimachos may well have been the moment when they were challenged. There is evidence that he had been involved with the Thirty (Xenophon, *History* II,iv,8), and the form of penalty he escaped confirms that he had been accused of being involved in the execution of citizens without trial.*

Similar restrictions are also specifically mentioned as applying to the other judicial functions of the *Boule*: the reviewing of the conduct of magistrates, and the investigation of the credentials of the next year's *Boule* and Archons at the *dokimasia*. The procedure under the radical democracy was the result of historical development. At first, the *Boule* and Archons had wide judicial powers; then appeal was introduced in serious cases under Solon; appeal by one side or the other gradually became the regular practice, until in the later fifth century the hearings before magistrates and others with similar powers became in the main preliminary formalities. Those who presided over the hearings gave a decision, but it was not binding unless both sides accepted it voluntarily. The normal function of the hearing was parallel to that of our magistrates' courts: the pleadings were heard and recorded, but the real trial was before a jury in the *dikasteria*. The effect of the preliminary hearing was to limit the field that would be disputed at the main hearing, for it was not permitted to introduce at that stage considerations

* The penalty was *apotumpanismos*, a cruel and lingering death by torture. Not all criminals were executed by the relatively humane cup of hemlock—indeed it is possible that hemlock did not come into use until the period of the Thirty right at the end of the fifth century; it was used in the fourth century, though by no means for all executions; cf. R. J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle* II, 279ff.

or testimony that had not been raised at the preliminary hearing; cf. LIII with Commentary.

In XLV–XLIX Aristotle describes the functions of the *Boule* in administration and in relation to the other state officials. Individual points which need clarification will be discussed first, and the overall position of the *Boule* after the details have been clarified.

The investigation of the magistrates each prytany was conducted with the aid of auditors selected from the *Boule* (XLVIII,3); a good example of use by the people of the right of complaint against a magistrate and his subsequent deposition and fine is the case of Pericles in 430 (Thucydides II,65,2–3. Antiphon (*on the Choreutes*, 49) gives examples of actions against a number of different officials before the *Boule* initiated in this way. There was apparently no appeal from an acquittal by the *Boule* under this procedure. The process of the *dokimasia* is described in detail in LV.

The provision that everything which went before the *Ekklesia* must do so after a preliminary discussion by the *Boule* was of key importance. It prevented 'snap' decisions since it imposed a certain period of time between the raising of a subject and the final vote (as also did the requirement that the agenda should be published in advance of the meeting), and it ensured that everything was discussed in a body whose size made proper consideration of technical and complicated issues easier than it would be in the *Ekklesia*, though even 500 must have been uncomfortably large for some discussions. In complex matters the proposal of the *Boule* was often accepted as drafted. The procedure was not rigid, as implied by Plutarch, *Solon* 19, but could be circumvented. Demosthenes (*on the Crown* 169) describes how, in the crisis after the capture of Elateia, the *Ekklesia* had assembled before the *Boule* had had time to produce a proposal, and they therefore just introduced the subject for discussion; cf. above on XLIII.

The indictment for illegal proposals was introduced at some period in the fifth century as a check on the fully developed democracy. Those who argue that the Areopagus had extensive supervisory powers to preserve constitutionality before 462/1 frequently also argue that the indictment for illegal proposals was substituted at that date for the powers which had been abolished. However, the first definitely known cases are the prosecution of Speusippos by Leogoras in 415 and the prosecution of the general Demosthenes by Antiphon at about the same time. It seems unlikely that the statute was on the book for forty-five years without being used, or that it was used but we know nothing of the cases. It is more probable that it was introduced at a later date when the dangers of the unchecked democracy were becoming apparent. It covered illegality of drafting or a proposal which clashed with an existing law; the indictment could be brought against either a proposal or a motion already passed by the *Ekklesia*. The objector undertook to bring a prosecution under the statute, and the proposal was then 'frozen' until the case had been tried; the proposer of the indicted

measure was only personally liable for punishment for a year, but the trial could be heard after any length of time. Thus it became a useful way of obstruction which need not involve a man in an actual penalty as long as the trial was suitably delayed. In the fourth century it was severely abused; Aristophon is said to have been acquitted seventy-five times! When properly used, it was a valuable constitutional safeguard; as abused it could be a menace.

XLVI Though, like everything else, under the general control of the *Ekklesia*, the supervision of the navy and everything to do with it was peculiarly the province of the *Boule*; the details are given here. Diodorus (XI,43,3), dealing with the period about 477, refers to the *Boule* having twenty new ships constructed, but there is no certainty that this was normal; *Anon. Argent.* 1,11 implies ten a year. Probably in Aristotle's day the vote of the *Ekklesia* (§1) specified how many were to be built. The election by the *Ekklesia* of the naval architects to build the ships is a good instance of the all-pervasive democratic control of what we should regard as technical matters. The members of a *Boule* which was judged to have done its duty well were rewarded with crowns; Demosthenes (*against Androtion* 8) confirms this, and also supports the specific point that the *Boule* were debarred from receiving the crowns unless they had had the requisite ships built. Aeschines (*against Ctesiphon* 30) implies that the board of ten who were responsible for the building of the triremes were picked by the tribes; perhaps the choice of the tribes was ratified by the *Boule*, but the instance he mentions may have been an unusual burden on the tribes, not the normal procedure.

The mention of quadriremes in the passage is of interest; their construction is first recorded at Athens in 330/29, while quinqueremes first appear in the surviving records in 325/4. The Archonship of Kephisophon is mentioned in LIV,7, and gives a terminus post quem for the *Constitution of Athens*, 329/8. Combining the two pieces of information, one arrives at a tentative date of 328–5 for the composition of at least the later section of the book.

The inspection of public buildings presumably refers to new constructions, and was aimed to detect any faults or defalcations on the part of the builder. It is not easy to see how it could have been applied to already completed structures which were in use; any faults in the administration of them would be detected at the *euthuna* of the magistrate responsible at the end of his term of office. Note that offences of this class were reported to the *Ekklesia*, not to an official or the *dikasteria*.

XLVII The theme of the next section is the supervision exercised by the *Boule*; Aristotle lists a number of boards responsible for particular aspects of the administration, and includes them here because their important actions had to take place in front of the *Boule*. Thus the *Boule* acted as the City's witnesses of what happened, and ensured that duties were carried out properly.

Treasurers were originally selected from the richest class of citizens

(cf. viii,1) because it was felt that the temptation to petty embezzlement would be less; that the law was disregarded by the late fourth century is no surprise; compare the parallel case of the Thetes mentioned in vii,4. The Treasurers of Athena were responsible for the safe-keeping of large sums of money and very considerable treasures, but, as with the other offices filled by lot mentioned in this section of the work, they had no administrative responsibility which would have required expertise. All decisions were taken by the people; the responsibility of the officials was only to ensure the safety of what was in their charge, receive what was paid in, and pay out sums when instructed to do so by the people.

The 'image of Athena' is the famous statue by Pheidias; the value of the gold on the statue was given by Thucydides (ii,13,5) as 40 talents of refined gold, while Philochorus (Jacoby, *F.Gr.H.* iii B 323 F 121) gives 44 talents. This represents 560 or 616 talents of silver (the normal currency unit), since the ratio between gold and silver in the later fifth century was 14:1. Although it was removable, there is no evidence that the Athenians ever used any of this gold even in the darkest days of the Peloponnesian War, and it was therefore presumably still there in Aristotle's day. Gold statues of Victory were an accepted way of 'storing' surplus revenue. Ten are known in the late fifth century, of which eight were melted down to make gold coins in 407/6; others are mentioned in the fourth century, notably those in Plutarch, *Moralia* 841D: '(Lycurgus) constructed gold and silver ceremonial vessels for the city and gold Victories'; the date was 334. The ceremonial equipment would have been chariots, jewelry and many other things used in the major festival processions to the gods. For all of this, as well as the ordinary cash reserves of the city, the Treasurers were responsible, and the accounts were handed over from one board to the next in front of the *Boule*, and subject to the normal review at the end of a man's tenure of office.

The word '*poletai*' means literally 'sellers', though from the description of their duties they appear to have been rather controllers of public contracts. The post of treasurer of military affairs was established in 338, and replaced the officials called 'Treasurers of the Greeks' who had originally been established to handle the money of the Delian League, and come to be the treasurers of Athens' war effort when the League became effectively the Athenian Empire. On the Theoric Fund, see above on xliii; the officials of the Fund referred to here were established in the second half of the fourth century. Public contracts of whatever sort were the responsibility of the *poletai*, working in conjunction with the *Boule* and presumably also the *Ekklesia* where any policy decision had to be taken. Taxes were not collected directly by the Athenians, but the right to collect them was sold to private individuals who then recouped the price from what they collected, together with some profit, though there is no evidence of massive exploitation such as that practised at times by the Roman tax-farmers, presumably because they were collecting taxes from Athenians, not subject peoples; the collection of the tribute was never farmed out in this way.

The position about mines is obscure. They remained the property of the state, and what was sold was the right to work them for a period; the lessee had to pay a price and one twenty-fourth of the value of the precious metal mined. We do not know what lies behind the distinction between three- and ten-year contracts, but logic might suggest that the three-year contracts covered mines which were known to be profitable, while what I have translated as 'special agreements' covered the right to explore an unknown area and mine if any precious metal were discovered; the financial position in the latter case is unknown.*

In many cases those on capital charges were allowed to withdraw from Athens before the final stage was reached, and so avoid execution. Their property was forfeit and the procedure for its sale is described in §2; those exiled by the Areopagus were listed separately because they would have been guilty of crimes involving religious pollution; cf. LVII,3 with Commentary. At a time of general amnesty and recall of exiles, this class of offenders was specifically excluded. The whitened boards referred to were the normal vehicle for transitory public records, as here for lists of various forms of debts and payments which had to be recorded for a period, but did not require the permanence of a stone inscription. Lists of property sold by the state were inscribed on stone; see for example the fragmentary lists of the sale of the property of those involved in the mutilation of the Hermae (414), Meiggs/Lewis, 79.

The categories of debts which had to be repaid at various intervals are not known, though Aristotle sheds some light here. An interesting point is the arrangements for repayment of large capital sums over a period. The period allowed for the repayment of the price of a house may be compared with the statement by Isaeus (*on the Estate of Hagnias* 42) that property worth 35 minae brought in 3 minae per annum—i.e. one recovered the purchase price in under twelve years. In these terms, the period allowed for payment to the state was not ungenerous. It is not surprising that the King Archon was responsible for the collection of the rent from sacred property, for his particular preserve was the administration of religious affairs; see LVII and commentary. Again, the mechanics of all these payments were supervised by the *Boule*, and the system carefully devised to avoid anything being done in the wrong way or at the wrong time. The word translated as 'pigeon holes' is normally used of something resting on something else, for instance the architrave on the columns of a building; the exact connotation in the present passage is not certain, but the general meaning must be that given.

XLVIII The Receivers were officers instituted under Cleisthenes whose function was the corollary of the *poletai*; again, it is a typical democratic check that there were two boards of ten who effectively checked each other where a modern state might well employ the same

* On mining in Attica, see R. J. Hopper, 'The Laurion Mines; a reconsideration', in *BSA* 63 (1968) 293–326, with bibliography.

people for both sides of the transaction. The penalties for defaulting on payment were severe; to the details given here should be added the statement of Demosthenes (*against Nikostratos* 27) and Andocides (*on the Mysteries* 73) that the debtor's property was seized and sold to cover the amount due. Thus the *Boule* 'exacts the money', and imprisonment was presumably employed only if the sum realised did not cover the debt. The division of money referred to was the allocation to magistrates of funds needed for the performance of their duties. See also LII,3.

The auditors mentioned in §3 are not to be confused with those mentioned in LIV,2; the present body handled the month-to-month accounts of officials, while the latter investigated their accounts at the end of the year. The officials selected for the *euthuna* worked with the second group of auditors on the annual investigation of the magistrates, for which see LIV,2. The detail here that those whose investigation had been concluded in the *dikasteria* were still liable to be tried if a complaint was made within three days of the first hearing is interesting; everything possible was done to make it possible for a private citizen to get an airing for a grievance. It is probable that these accusations were made in the Athenian Agora, where statues of the eponymous heroes stood, but certainty is impossible in view of the state of the text; see note in the translation *ad loc.* The provision that the official must think the charge justified before the case can be reopened is a necessary check on totally frivolous accusations; hearings before the *dikasteria* were time-consuming and cost the city money in fees to the jurors. On the deme justices, see below on LIII.

XLIX The first two sections deal with elements of the armed forces where the state gave financial assistance to those enrolled in them; there was naturally a check on the recipients to make sure that money was not being spent to no purpose. The cavalry received a grant to cover the upkeep of horses, but there were other expenses on armour and equipment, and they had to maintain a mounted servant; hence it was not possible for a poor man to serve, and poverty was accepted as an excuse if a man had been summoned for cavalry service. The infantry attached to the cavalry worked closely with them on foot, and therefore had to be very fit to keep up; hence again it was essential to ensure that they were capable of fulfilling their duty.

The remainder of the chapter covers a few minor functions of the *Boule*. The Greek word translated as 'models' probably covers the plans for any major public undertaking, for example a temple, but would probably include also less important items such as the statues of Victory mentioned in §4 (cf. XLVII,1, with Commentary). The robe was woven for the statue of Athena, and taken up to the Acropolis during the Great Panathenaia; scenes in the design included the battle between Athena and the Giants. The date of the transference of the inspection of these things to the *dikasteria* is unknown.

The maintenance of the disabled at public expense started under

Peisistratus, and was at first limited to those disabled by war wounds (Plutarch, *Solon* 31). Later anyone incapable of maintaining himself was included; the date of the change is unknown, but all were covered before the end of the fifth century when Lysias (*on the Refusal of a Disability Pension* 26) refers to a pension of this type which had been drawn for some years already; the speech was delivered shortly after 403. This rare example of 'social conscience' in the ancient world arose from the strong corporate sense of the city state: the first duty of every citizen was to do whatever the city required of him, and the corollary was to do whatever the city required of him, and the corollary was that he had a claim on the city for a minimum subsistence if he was absolutely incapable of maintaining himself by his own efforts through no fault of his own.

Thus, with the first sentence of chapter L, Aristotle concludes his analysis. The prominence of the *Boule* at Athens after 462/1 was the direct result of the triumph of radical democracy, and the body itself was symptomatic of it. The principle of selection by lot combined with rotation ensured that it consisted of a cross-section of the people, and that a large proportion of the citizens would be members at least once. In this way they had a say in the detailed planning of every aspect of government by the drafting of decrees and motions for the *Ekklesia*, and in the day-to-day supervision of all officials—an aspect of the duties of the *Boule* which Aristotle rightly stresses at the beginning and end of his discussion. Their control was the only thing which stood in the way of anarchy in the administration of finance, and the regular checks on all those handling public money ensured its proper use. The *Boule* apparently had little initiative, but its role was vital; the drafting of complex decrees is a difficult operation, and once drafted they were unlikely to be frequently or radically altered in the *Ekklesia* because of the sheer practical difficulties involved in doing so. The role of the *strategoi* in guiding these detailed discussions must have been important. From the details Aristotle gives it is easy to see why the *Boule* was permanently behind schedule; cf. *Constitution of the Athenians* III,1. Above all, one must remember the part it played in the political education of the average citizen; the fact that there would have been present at any meeting of the *Ekklesia* a significant number of people with personal experience of the functioning of the *Boule* and the day-to-day administration of government through the many administrative boards selected from its members must have contributed greatly to the wisdom and good sense of the decisions taken by the people as a whole.

L After discussing the *Boule*, Aristotle turns to other boards and officers selected by lot, most of whom had minor duties; it appears that these officials were not members of the *Boule*. From the small sum allocated to those in charge of the sanctuaries, they cannot have had any very important function to perform. The city commissioners are also mentioned in Aristotle's *Politics* (1321 b 18ff), where their duties are listed in

similar terms, though there he adds that they are responsible for collapsed buildings (presumably to make sure that they are safe and do not obstruct the street), for the general safety and repair of the streets, and for boundaries between property. The entertainers referred to were hired for drinking-parties given by ordinary citizens—the price is not high (cf. Plato, *Protagoras* 347 d); the wealthy presumably had their own entertainers. Civic control of prices and the way in which 'double bookings' were fairly resolved are remarkable examples out of the many instances where the Athenian state intervened in what are normally thought to be private matters.

The disposal of refuse was a major problem since there was no sewage system; it is referred to not infrequently in the surviving literature. A decree of 320 affecting the Peiraeus also deals with the problem of rubbish, though there the duty of seeing that it is cleared up rests on the householder, with the superintendents of the market responsible for ensuring that it is done (Dittenberger *Syll.* 1^3,313). The building regulations are all designed to ensure the safety of passers by; the reference to windows is a trifle obscure, since Greek houses normally did not have windows on the ground floor on the street, though this may have been because of the ban mentioned. If it was a well-known regulation, it is hard to see why anyone should have thought of breaking it. There is an interesting parallel from Rome, where Plutarch records (*Poplicola* 20) the practice in Greece of knocking on a door from the inside to warn passers-by before opening it on to the street; later, doors opening outwards were banned. The removal of corpses from the streets indicates a section of the population who were destitute and without any home to go to or anyone to look after them.

LI In the markets, also, the Athenians went to some trouble to ensure fair dealing and fair prices, even specifying the size of loaves. The increase of the numbers of commissioners of the corn supply may indicate that they found plenty to do; it was vital for the survival of Athens that enough should be brought into the city, and for the individual Athenian that it should be honestly sold.

LII The death penalty was mandatory for the offences listed, and was inflicted without trial on those who admitted their guilt. The main aim of kidnapping would have been to sell the victims into slavery—hence it was a serious offence. On the *poletai* see XLVII,2; the cooperation of the Eleven in the detection of houses and land alleged to be public property shows that the passage refers to a criminal offence, presumably an attempt to take private possession of public property. Among the indictments the Eleven were responsible for bringing was a particular technical charge, that of improperly usurping political rights; the distinction between the cases brought by the Eleven and those brought by the *Thesmothetai* is unknown.

The procedure discussed in the second section ensured that certain classes of dispute received a speedy trial. The dowry was a part of the

woman's family's property set aside for her maintenance; the payment referred to here was probably that required after divorce or the death of the husband, when the money would be vital for her. If it were not repaid, those who wrongfully retained it could be sued for its return together with interest at 18 per cent per annum—a fairly high rate which shows that the offence was regarded as serious. The interest rate of a drachma per mina represents 1 per cent per month or 12 per cent per annum; this was regarded as a moderate and reasonable rate (as opposed to the higher rates of 16, 18 or 36 per cent recorded in some cases), and therefore those who were wronged were entitled to get relief under the speedy procedure of cases to be settled within a month. Those aiming at higher returns had to wait longer if they needed to sue the debtor.

Demosthenes says that prosecutions for assault were heard before the Forty (cf. LIII) in his speech *against Pantainetos* 33; either the tribunal had changed by the time Aristotle wrote or there were different categories of assault heard by different bodies. Disputes about trierarchies arose in the fourth century much more than the fifth; in the former period an individual maintained a ship for the year, and the only usual cause for litigation was a charge that he had not taken up office on the proper day, not done his duty to the minimum standard prescribed by law, or handed over an unseaworthy vessel. In the fourth century the expense was divided amongst groups of men, and there was therefore a fruitful field for litigation arising from disputes about whether individuals had done their fair share, apart from the possible sources of dispute listed above. A good example of a case in the field of banking is Isocrates' *Trapezitikos*, where forgery and repudiation are the points at issue. That the Receivers should handle cases involving taxation is only natural; see XLVII,2 and XLVIII,1 with Commentary.

LIII The Forty had by Aristotle's day taken over the functions of the deme justices established under Peisistratus (XVI,5) who had been revived under Pericles (XXVI,3). This is a rare occasion where Aristotle gives the date of a change between fifth- and fourth-century practice; one must not assume from this that there was no change where he does not mention one, for there are many cases already noted where the system he describes was not that of the fifth century. Very little is known of the Thirty in the fifth century, though it is probable that after a while they, like the Forty later, did not go on circuit as the original deme justices had. The Forty appear to have been mainly concerned with property disputes—hence the procedure involving arbitration below—and to have held the first hearing of private suits except those to be decided within the month; however, some private suits were heard in the first instance by the *Thesmothetai*; cf. LIX,5. It was sense that they should have the final word in really trivial cases, and not waste the time of a *dikasterion*; Aristotle (*Politics* 1300 b 33ff) approves of the principle of not having large juries for insignificant disputes.

The arbitration procedure is described in detail, and is interesting

not least for the mechanism whereby an attempt was made to avoid prolonged litigation where a settlement could be arrived at without going to the *dikasteria*. If the case did go to the *dikasteria*, the hearings before the Arbitrators fulfilled the same functions of limiting the field for the final trial as were performed by the preliminary hearings before the *Boule* and the Archons discussed above; see on XLV. Voluntary arbitration seems to have existed in Athens for a long time; it perhaps became compulsory in private cases in the period 403–400; see Bonner and Smith, *The Administration of Justice* 1,346ff. Aristophanes (*Wasps* 962ff) implies that witnesses delivered their evidence in the *dikasteria* orally in the fifth century; this practice continued generally in the fourth, written depositions being used presumably to prevent witnesses changing their evidence.

The Arbitrators were those in their last year of the forty-two-year cycle of public service; from eighteen to fifty-eight men had to serve in the armed forces when required; then, when they were fifty-nine, they served as Arbitrators. Aristotle stresses that this service was as compulsory as any other part of their duties. Two distinct groups of eponymous heroes are mentioned here. First the ten of the ten tribes (XXI,6), and secondly the forty-two who gave their names to the age-groups in each year of the forty-two-year cycle. They were 'used' in rotation, so that the Ephebes of one year were enrolled under the eponymous hero of the Arbitrators of the previous year, who was 'available' since that year-group had finished their duties in this sense. Thus Athenians gave an absolute date by the Archon of the year, and placed a man in his age-group by the eponymous hero of his year.

An example of the actions against Arbitrators mentioned in §6 is referred to in Demosthenes *against Meidias* 86. Appeal from such a case lay naturally to the *dikasteria*.

LIV In this chapter Aristotle concludes the list of minor officials selected by lot. The commissioners of roads appear to overlap with the functions of the city commissioners as inferred from the *Politics* (see on L above); it may be that each body handled different roads—for example, the commissioners of roads may not have acted within the city—or it may be that the *Politics* and the *Constitution of Athens* cannot be conflated directly since the former is more theoretical. It is a minor point.

The Auditors are much the most important officials of those listed in LIV; they are not the same body as that mentioned in XLVIII since the present group were responsible for the final investigation of accounts at the end of a year of office. The penalty for taking bribes could also be death, not merely ten times the bribe thought to have been taken. This paragraph makes it clear that all investigations under the *euthuna* had to go to the *dikasterion* before the final discharge of the official, not merely those where some crime was suspected.

'Clerk to the Prytanies' was another title for the Clerk to the *Boule*; he held an important post in which anyone bent on malpractice would

have plenty of scope while checking and holding documents. It is therefore not surprising that by Aristotle's day the post was filled annually by lot; at what date this became the practice is not known, though it may have been between 367 and 363. The statement that before this the Athenians 'used to elect the most famous and reliable men' is a little puzzling since we know the names of at least sixty-six holders of the post in the fifth and fourth centuries, and hardly any of them are famous.

Proxenia was the status granted to Athenians who undertook to look after the interests of the nationals of other states resident in Athens; it was a position of considerable honour, and also involved duties, for foreigners were under certain disabilities; for example, they could go to law only with their *proxenos* bringing the case for them. The *Proxenoi* had a position in many respects parallel to modern consuls, but were always nationals of the state in which they lived. The term could also be used in an honorary sense, for example as a complement to foreign rulers and as a description of certain privileged metics, for whom see below LVIII,2 with Commentary. Grants of citizenship were rare but a field where dishonesty on the part of the Clerk would be very serious. The clerk whose duty it was to read out documents to the people and the *Boule* is mentioned (for example) in the account of Nicias' despatch from Sicily (Thucydides VII,10); later he apparently had the additional duty of reading out the official texts of tragedies to the actors (Plutarch *Moralia* 841 F).

The religious officials and their duties are largely self-explanatory. For the arrangements for the Panathenaia, see LX with Commentary; here the Great Panathenaia is referred to, not the Lesser, an annual celebration. The four-yearly mission to Delos had been revived in 425 (Thucydides III,104,2), and was different from the annual celebration; the six-year interval is obscure, but may have been introduced after 330. The Brauronia was a festival to Artemis at Brauron, while the Heracleia was celebrated at Marathon. The Eleusinia referred to are again not the regular yearly celebration, but a special festival. The archonship of Kephisophon is the latest date mentioned in the treatise —see above, Introduction and Commentary on XLVI.

Salamis was not an integral part of Attica, but partially populated by cleruchs, and was administered as a community dependent on Athens; hence the selection of an Archon. The Demarch was normally elected in each deme; the selection of the Demarch of the Peiraeus by lot probably indicates a feeling that it was too important a position to be filled by election since the holder might become too influential. It is alternatively possible that there was more than one deme in the Peiraeus area, and one of the elected Demarchs was chosen by lot to act in some sense as head of the local administration. The festivals of Dionysus referred to were 'Rural' Dionysia (as opposed to the 'City' Dionysia in Athens itself); they were celebrated in many places throughout Attica, and that at the Peiraeus was perhaps the grandest. On the *choregoi* (providers of choruses) see below, LVI,3ff and Commentary.

LV Having discussed the *Ekklesia*, the *Boule*, the boards of administrative officials who were members of the *Boule*, and the other minor officials selected by lot, Aristotle now turns to the Archonship of his own day—an office also filled by lot, but very different in many ways from those which have been discussed up to now. The previous history of the office has been discussed already; see III,2–4; VIII,1; XXII,5; XXVI,2 with the Commentary on those passages. The first change from fifth-century practice noted is that the nine officials (the Archon, the King Archon, the Polemarch and the six *Thesmothetai*) together with their clerk were selected by lot in such a way that each tribe provided one member, and each tribe held each position in turn. Such democratic equality and rotation was applied much more rigidly in the fourth than the fifth century, though how early the principle of equal representation for all tribes was established is unknown.

Aristotle chooses the context of the Archons to give a general account of the process of the *dokimasia*, the preliminary investigation undergone by all office-holders before they could take up their position. The Archons, as opposed to other officials, had to go through the process twice, once before the *Boule* (cf. XLV,3) and again before the *dikasteria*. The questions asked appear to have been standard, and the aim was to test the basic qualifications of the office-holder elect; they established that he was a fully qualified citizen and had performed his basic civic and family duties. They did not in any sense test his capacity to perform the office for which he had been selected by lot. It may well be that the prospect of this examination was enough to deter some who would be hopelessly incompetent from standing, though the prospect of the *euthuna* at the end of their tenure and the monthly votes on their performance was more likely to do that.

The list of points investigated takes account of Pericles' citizenship law (XXVI,4), but omits the question of what class the candidate belonged to—cf. VII,4. Either this is just a slip, or the law excluding the Thetes from the Archonship had been a dead letter for so long that even the question had been dropped by Aristotle's day. The class question must have been asked for a few offices, notably the Treasurers who were nominally from the richest class—but see above XLVII,1. The cults mentioned were an essential part of Athenian life, and all citizens were enrolled; the gods mentioned had special care of the home and the hearth. Oral evidence was called to substantiate a man's answers; the Athenians used witnesses in a situation where modern society naturally turns to documentary evidence. Here, as everywhere else, the care taken to ensure that every citizen got a chance to lay any complaint he might have is manifest, and accentuated by the change noted by Aristotle, whereby the one formal vote of acquittal which had been traditional where no complaint had been offered against a magistrate elect was replaced by a full vote just in case bribery or intimidation had taken place before the hearing.

For the stone, and the golden statue to be dedicated for taking bribes, see VII,1 above with Commentary. The phrase translated as

'witnesses swear to their depositions' raises a problem in that the verb normally means 'foreswear' or 'deny on oath'. However, this seems a meaningless remark in the context, and it is more plausible to accept the meaning given in the text despite the fact that it is not paralleled in extant literature until much later.

LVI As a conclusion to his discussion of the Archons as a body and before turning to their individual functions, Aristotle notes the appointment of two assessors for each of the three senior Archons. There was presumably a survival of primitive practice in the procedure by which the Archons picked their own men for the job; however, once selected they were subject to all the usual democratic checks. Note that the traditional division into chapters does not go back to Aristotle; it is an eccentricity of renaissance texts that splits the first sentence of LVI from LV, where it clearly belongs, not a whim of the author.

The Archon was the official who gave his name to the year, and it was he who was the closest Athenian approximation to a modern Head of State; he had considerable ceremonial duties and some practical functions, but no real power after the reforms of the early fifth century. The oath he took on entering office must be a survival from the early period, for by it he guaranteed the population against disorder and any arbitrary action by the officers of the state; under the developed democracy his office gave him no powers by which he could take action against any who offended in this respect.

The *choregoi* were originally the men who trained and led the choruses for festivals; during the fifth century the position became one of the liturgies—a post where a wealthy man undertook a public duty at his own expense; see XXVII,3 and Commentary. The expense of the choruses lay in their costumes and training before the festival, and the Dionysia* (celebrated in Athens in late March) was a particularly fine opportunity for a wealthy man to spend heavily and thus earn prestige with his fellow citizens. Further expenditure could be incurred by hiring extras, and a generous *choregos* could make all the difference to the success of a play; it is said that Nicias never failed to win the prize when he was *choregos*. There were three groups of tragedies throughout the fifth and fourth centuries, perhaps five comedies before the Peloponnesian War, three during it as a measure of economy, and five again in the fourth century; the change of the method of appointing comic *choregoi* came in the middle of the fourth century.

Choruses were not restricted to those required for tragedies and comedies; there were choruses of men and boys for various dances and the dithyramb, which was the most expensive of all the liturgies, involving a chorus of fifty and the most expensive *aulos*-players. Five choruses of men and five of boys, each from one of the ten tribes, took part in the Dionysia as well as the choruses involved in the drama; the

* The 'Great' or 'City' Dionysia, as opposed to the rural Dionysia celebrated in December; see above LIV, with Commentary.

Thargelia, a festival to Apollo, was celebrated in late May. For a description of the duties of a *choregos* see Antiphon *on the Choreutes* 11–13.

When the Archon had appointed the *choregoi*, it was open to any of them either to claim that they were exempt or to challenge another wealthy Athenian to exchange property. The former claim was governed by complicated rules, the most important of which were that a man could not be required to perform more than one liturgy at the same time, and that the performance of a liturgy gave exemption for a fixed period of time; for example, a man could not be *choregos* until a full year had elapsed since he had completed his previous duties as *choregos*; allowing for the period of rehearsal, this meant that it was impossible to be *choregos* in consecutive years—unless, of course, a man volunteered for the job, which was not unheard of. The plea that a man had 'performed this liturgy before' is mystifying since it is known that men did on occasion perform the same liturgy more than once; perhaps a man could not be required to do so but might do it voluntarily, or perhaps this was a relatively recent change in the law in Aristotle's day. The restriction of age for the chorus leaders of boys' choruses was part of a general provision in Attic law which prevented younger men having charge of boys; cf. XLII,2.

The challenge to an exchange of property was a curious but in some ways highly egalitarian institution. It was open to somebody selected for a liturgy to allege that another citizen was wealthier and more able to bear the expense than he. He therefore challenged him to exchange property or accept the liturgy. The man challenged could either undertake the liturgy or exchange property, in which case the man originally selected had to undertake it; alternatively, an objection could be lodged to the challenge. In this case complete lists of property, except for holdings in the mines at Laurium which were exempt from assessment for the purposes of liturgies, had to be filed within three days of the challenge by both sides. Disputes, like claims for exemption, were reported to the *dikasteria* and decided there.

The *choregos* for Delos was in charge of the annual mission which happened to be absent at the time of the condemnation of Socrates, with the result that he was not executed until it returned, as the law provided; see Plato, *Phaedo* 58 a 7–c 3. This festival was different from the four- or six-yearly festival mentioned in LIV,7. The chorus taken may once have been of seven young men and seven girls, like the group which originally accompanied Theseus according to the myth, but it was presumably only young men in historical times. The vigil to Asclepius took place the night before the procession to Eleusis which fell in late September or October. The procession in honour of Zeus Soter ('the saviour') occurred in June/July, the last month of the Athenian year; there was also a sacrifice to Zeus Soter on the last day of the year, organised by the Archon. Little is known of the ten assistants of the Archon who helped to supervise these processions; selection of them by lot was a relatively recent innovation in Aristotle's day, and did not last long into the third century.

The cases coming under the Archon's preliminary jurisdiction were many, but the common element reflects his function as protector of the family in the widest sense and of those who could not look after themthemselves. The position of orphans and *epikleroi* has been discussed above, XLII, with Commentary. The immunity of prosecutors of those who illtreated their parents—that is failed to support them, were disobedient towards them, struck them, or failed to bury them—indicates how important it was to the Athenians that parents should be respected and properly treated. Normally a prosecutor who failed to get a proportion of the votes of the jury (usually a fifth) was fined, and could in certain circumstances lose the right to bring a similar case in the future. Actions for production in court arose where a man had control of property or documents which either belonged to another, or which the latter had the right to inspect; presumably here Aristotle is thinking of disputes involving inheritance, since this is the theme of the whole section. Similarly, the officials to divide up property probably dealt with inheritances in this instance, although they could also be appointed in business matters, for example on the break-up of a partnership.

Guardians for orphans were normally next of kin; if there were no directions in a will, the guardian was an adult male relative whose appointment had to be confirmed by the Archon; if there were no relatives, the Archon selected a suitable citizen. Disputes about inheritance or marrying *epikleroi* arose where more than one party laid claim; they had to be decided by the *dikasteria*, and the Archon was responsible for conducting the preliminary hearing and bringing the case to the *dikasteria*. The letting of properties belonging to minors or *epikleroi* was carefully controlled, and the Archon took securities for the property leased; the securities were valued by officials working under him. The limit of fourteen years old is restored in a damaged section of the papyrus; if the restoration is correct, the sentence may contain vital information not found elsewhere, the age at which Athenians came of age, at least in the sense of having some say over the handling of their property; alternatively, it may only be a carelessly phrased indication of the age at which an *epikleros* should be married. In all these cases the final power of the Archon was small, though he does seem from the text to have had some power of imposing fines and exacting payments which had been wrongly withheld. In most cases he initiated proceedings, held the preliminary hearing, and then introduced the case to the *dikasteria* for decision.

LVII The King Archon was concerned primarily with religious matters. The unknown author of the speech *against Andocides* preserved among the works of Lysias summarises the position of the King Archon as follows (4): 'If (Andocides) becomes King Archon by lot, will he do anything other than make sacrifices and offer prayers on your behalf according to ancestral custom, some in the Eleusinion in Athens, some in the temple at Eleusis, and run the festival of the Mysteries?' That was, of course, not the sum total of his duties, but is

the side with which Aristotle starts his account; the Eumolpidai and the Kerukes were two aristocratic families who were traditionally in charge of the cult at Eleusis; cf. XXXIX,2. The Lenaia was celebrated about the end of January; many of the most successful comedies are known to have been produced in the contests there, including Aristophanes' *Acharnians*, *Knights*, *Wasps*, and *Frogs*. Torch-races figured in a number of Athenian festivals, including those to Theseus, Prometheus, Hephaestus and Pan, and also in the Panathenaia. The gymnasiarchs bore the expenses arising from the torch-races, and Demosthenes (*against Lakritos* 48) tells us that legal disputes between them came before the King Archon.

It would naturally be the function of the King Archon to initiate hearings concerning religious disputes and offences. Homicide also came within his province because it was regarded as a religious matter: the death brought a pollution on the state which required purification. The proclamation excluding the murderer (whether known or not) from all religious gatherings and from the Agora had the same motive—to prevent the spread of the pollution (cf. §4). The cases listed here were retained by the Areopagus at the time of the reforms of Ephialtes (XXV), together with damage to the sacred olives (LX,2). The element of pollution may explain why the democracy did not take them over, since religious conservatism was deeply ingrained, although the inclusion of arson is a little surprising. All homicide cases not tried by the Areopagus were brought by the King Archon before a jury of *Ephetai* who sat in different locations depending on the type of case they were trying. The origins of this archaic body are unknown, but by the fifth century they consisted of a jury of fifty-one persons, probably over fifty years of age; they did not apparently form a part of the ordinary *dikasteria* before which all other cases were brought by the magistrate or body which instituted the preliminary hearings. On the other hand, two cases mentioned by Isocrates and Demosthenes which were tried in the Palladion in the fourth century were both heard before juries of some hundreds. It may be that the *Ephetai* had been merged with the ordinary body of jurors, but it could equally be that the cases in question did not fall to the *Ephetai* to try, but were instances of ordinary actions before a *dikasterion* sitting in the Palladion.

Two unusual Athenian customs are noted here. First, the trials in the court of Phreatto; they arose when a man already in exile for one killing was charged with murder in respect of a second death. He was not allowed to set foot in Attica, but pleaded his case from a boat anchored just offshore before a jury seated near the water's edge. The taking of proceedings against 'the guilty party' is parallel to our coroner's verdict of 'murder by person or persons unknown', but takes the matter one step further in that a trial was actually held; again, the religious need for purification of the pollution was the motive. The same reason lay behind what seems to us the extraordinary practice of 'trying' animals or inanimate objects which had caused death; by doing so they had polluted the state, and it was necessary to remove them in full legal fashion. A passage in Plato's *Laws* (873 e–874 b) illustrates Athenian

practice although it is theoretical, not written as history. 'If a baggage animal or any other beast kills someone, except if anything of this sort should happen to an athlete in the course of public contests, his relatives are to prosecute the killer for murder . . . and the animal when found guilty shall be killed and cast outside the borders of the land. If any inanimate object shall deprive a man of his life, unless it be a thunderbolt or some other stroke from the gods, and where a man is killed either by something falling on him or by his falling on it, the next of kin shall appoint his nearest neighbour as judge, and thus purify himself and his whole family. The guilty object shall be cast out of the land, as was laid down for the animals above. If a man is found dead, and the killer is unknown and cannot be found after careful search, the same proclamations shall be made as in other cases, and the same ban against the murderer. A trial shall be held, and proclamation made in the Agora that the murderer of so and so, having been found guilty, shall not enter the temples nor any part of the country of the victim on pain of death; if he does, and is recognised, his body is then to be thrown out of the country of the victim unburied.' The above passage also brings out the point that there was a legal obligation on the relatives to prosecute for murder; in other cases there was no such requirement, and prosecutions were brought only if the offended party wished to do so, or a public-spirited citizen was willing to bring the case, or an informer stepped in; cf. above on XXXV.

The crown mentioned in §4 is not peculiar to the King Archon, but was part of the official regalia of all Archons. Little is known of the functions of the Tribal Kings, but they had religious duties and some legal functions which were associated with the King Archon in the Prytaneion Court in the fourth century. Their position within the tribe appears to have been analogous to that of the King Archon within the whole state.

LVIII The Polemarch was originally the commander-in-chief, and concerned with military affairs. The sacrifices to Artemis in memory of the battle of Marathon, and to Enualios (Ares) were survivals from his military functions, as also was the organisation of funeral games, in which he was assisted by the *strategoi*. He had general control of all litigation which affected the numerous metics resident in Athens. They were allowed to live and work freely in the city, but were expected to undertake military service if required, and were subject to certain disabilities, such as special taxation, and restrictions, as for example not being allowed to own land. Tax-exempt metics were a privileged group free from the normal tax on metics and taxed as citizens; the *proxenoi* mentioned here are not the same group as the 'consuls' already discussed (above on LIV), but were metics granted exceptional privileges, such as the right to own land and to sit in the front seats in the theatre. Since the metics could not by definition be members of any deme or tribe, the Polemarch divided the cases in which they were involved into ten equal parts, and allocated them to the four members

of the Forty in each tribe (cf. LIII,1), who passed them to the Arbitrators; in this way the burden was evenly shared. It appears to have been a privilege to bring cases before the Polemarch; perhaps there were fewer of them, and the matter therefore came up for trial more speedily.

On Harmodius and Aristogeiton, see XVIII; on the Arbitrators, see LIII; all metics were required to have a patron who acted for them in affairs which could be handled only by a citizen, in the same way as the *proxenoi* of LIV acted for Greeks from other cities who were temporarily in Athens.

LIX The *Thesmothetai*, the other six of the nine Archons, were probably introduced because of an increase of judicial business, and Aristotle gives here a long, though not exhaustive, list of the cases they handled. Most of the charges listed are self-explanatory; on motions for the deposition of magistrates and accusations in the *Ekklesia* (which were normally only a preliminary stage in the case) see XLIII; on the indictment for illegal proposals see on XLV, and on the chairmen and president see XLIV. The procedure for the collection of debts has been discussed above, XLVII–XLVIII, the *euthuna* of the *strategoi* at LIV,2, and the investigation of credentials at LV. For appeals about citizenship see XLII, and judicial decisions of the *Boule* XLV,1. The process whereby the *Thesmothetai* allotted courts (with the exception of cases of homicide), magistrates to individual cases, and the allocation of juries will be discussed below, LXIIIff. See all these passages with the relevant sections of the Commentary.

The charge translated as 'malicious prosecution' has no exact equivalent in modern practice, and is frequently rendered (by transliterating the Greek) as sycophancy. As noted already, the Athenian had no public prosecutor, and relied on the injured party or public-spirited citizens to bring a prosecution where it was known or suspected that a crime had been committed, with the exception of cases of homicide where the family of the dead man were under a legal obligation to prosecute. Rewards had to be offered to successful prosecutors to make the system work; they received a large part of the property confiscated, the money recovered or the fine imposed as a result of conviction—often a half, sometimes even more. This naturally led to the appearance of informers and to some trumped up charges brought in the hope of personal profit; in these cases the prosecutors relied on extraneous circumstances or personal prejudices against the defendant to get convictions. There was some check on this inherent in the provision that a prosecutor who failed to receive a stated, small proportion of the votes of the jury, usually one fifth, or one who dropped a case before it came to court, faced significant penalties. They could be a fine of 1,000 drachmae, a fine of one obol per drachma of the claim (i.e. one sixth of the claim), or the loss of the right to bring a similar case in the future, depending on the circumstances of the particular case. This was some check, but not enough, since some cases were

specifically excluded and the unsuccessful prosecutor suffered no penalty however badly he did. This was particularly serious since prosecution was a recognised and accepted way of attempting to revenge oneself on one's enemies, whether political or private; the threat of such charges could also be used to extort money as a blackmail 'pay-off'.

Sycophancy was widespread in the late fifth century, and is mentioned frequently in Aristophanes. The charge of sycophancy or malicious prosecution was used as a further way of checking abuse (though in itself it could become an abuse), and a charge of misleading the people could also be used, and could be effective, for the maximum penalty under it was death. Many prosecutors undoubtedly acted from the best motives, and without them the whole administration of justice in Athens would have been hamstrung; others misused the system severely, and no totally satisfactory solution was found. The appointment of a public prosecutor, which might or might not have solved the problem, would have been regarded as very undemocratic in the unlikely event of it ever occurring to the Athenians as a possibility.

The international agreements mentioned were ultimately ratified by the *dikasteria*. Where they existed, criminal and commercial cases between individuals of differing states were governed by their provisions, which included agreed laws which would govern any settlement. The plaintiff normally had the right to sue in whichever state he chose, but would usually bring the case in the defendant's state because he would be more likely to be able to execute judgment there if he won. Such suits were often commercial. If no such international agreement existed, the suit would be heard in the state where the contract had been made or the crime committed, and in accordance with its laws. Cases where perjury was alleged were normally handled by the court where it was said to have taken place; the procedure mentioned here for cases of perjury in the Areopagus was an exception.

LX The commissioners appointed to run the Panathenaic games are discussed separately because they held office for four years (cf. XLIII,1), and this leads Aristotle naturally to reserve his discussion of the duties of the Archon in collecting the oil from the sacred olives for this section of the work. The musical contests were added to the Panathenaia by Pericles (Plutarch, *Pericles* 13); contests included singing and playing the *aulos* and *kithara* (wind and string instruments). The athletic contests were the usual ones—wrestling, running, boxing, the *pankration* and the pentathlon. On the robe for Athena see XLIV,3 with Commentary. The vases for prizes contained olive oil given to the athletes (§3). Many have been found in widely scattered places in the Mediterranean world; on one side is a representation of Athena, and on the other a picture of the event for which the prize was awarded. By Aristotle's day, the olive oil was not taken specifically from the trees dedicated to Athena, but was a general charge on the harvest from the estate on which the trees stood; the date of the change is unknown, but was later than 395. The

speech of Lysias (*about the Sacred Olive*) also suggests that the penalty for destruction of the sacred trees had before that time ceased to be death and become exile with confiscation of property. The treasurers who received and stored the oil were the Treasurers of Athena (cf. XLVII,1). Prizes for all contests included a crown; the musical contests also carried a cash prize; the contests in manliness had carried a prize of an ox in the early fourth century—the date of the change to a shield is not known. The contest itself was a considerable test of physical fitness, involving running in full armour and horse-riding.

LXI The 'also' in the first sentence has nothing to refer to, and this has led scholars to suggest plausibly that some text is missing between chapters LX and LXI. The inference is supported by consideration of the content. Despite their importance, there is no detailed discussion of the treasurer of the military funds, the controllers of the Theoric Fund, or the supervisors of the water supply. All these offices were filled by election probably for a period of four years, and are mentioned in XLIII,1 just before the *strategoi*; one might therefore expect some discussion of their duties precisely here, in between the commissioners of the games, who were also appointed for four years, and the *strategoi*.

Aristotle now turns his attention to military offices which were filled by election. The institution of the *strategoi* in 501/0 was described in XXII,2, and Aristotle now indicates an important change: instead of being elected one from each tribe, they were 'now' elected from the whole people; thus there were no longer necessarily representatives of all ten tribes among the ten *strategoi*. The date of the change is unknown; it was probably motivated by the realisation that, with the increasing importance of the post in every aspect of politics, it was vital to have able men filling it, and it would be foolish always to restrict each tribe to one member. This does not mean that one has to hypothesize any complicated system whereby only one tribe in any one year could have two members of the board, and no tribe was without a member for more than one year consecutively. We know that in 441 there were two *strategoi* from the tribe Akamantis, and in 432 there were two representatives of the tribe Akamantis and perhaps two from the tribe Kekropis; there are other similar examples. Thus from about the middle of the fifth century, the Athenians appear to have been able in certain circumstances not as yet fully understood to elect more than one man from a tribe; it should always be born in mind that tribal loyalty was by no means non-existent, and would have ensured a reasonable 'spread' of *strategoi* in normal circumstances.* Perhaps the most interesting single feature of the fully developed system of *strategoi* at Athens is the divorce of the individual *strategoi*, who were in origin commanders of their tribal contingents, from these units; this is a startling innovation,

* This is a highly controversial topic, and space does not allow a lengthy discussion here; for an extreme thesis with excellent negative arguments but slightly more dubious positive points, see C. W. Fornara, *The Athenian Board of Generals from 501 to 404*.

much more likely to belong to the fifth century than the period of the original institution of the office.

The allocation of *strategoi* to particular duties or particular areas for their year of office was not a fifth-century practice—then they were sent by the *Ekklesia* to deal with crises as they arose, as was done in Aristotle's day with the five who had no specific sphere allotted to them. The innovation appears to have been made very recently, probably between 334 and 325. For the garrisons in the Peiraeus, cf. XLII,3.

The symmories were a fourth-century institution replacing some of the liturgies undertaken by individuals in the fifth; instead of the burden falling on a single wealthy man, it fell on groups. Symmories were created in 378/7 in connection with the capital levy (*eisphora*), and henceforth almost all tax-paying Athenians were involved, as also were the metics in separate groups. In 357/6 symmories were set up to replace the trierarchy; the twelve hundred richest citizens were divided into twenty equal sections each responsible for the maintenance of a portion of the fleet. The reform was aimed at spreading the burden of taxation more fairly, and probably also reflected a reduction in the number of really wealthy men compared with the fifth century. It should be noted that the text makes it clear that men were still appointed as trierarchs even after the institution of the symmories of 357/6; exactly how the two systems interlocked is not clear. For exchanges of property, see above on LVI.

The vote on the conduct of the *strategoi* was part of the proceedings at the plenary session of the *Ekklesia* (XLIII,4). It was of great importance for the democracy to keep a close check on their conduct, not merely for obvious wider reasons, but also because of the summary powers they had on campaign which are listed in the last sentence of §2. There is evidence that in the fifth century *strategoi* on campaign even inflicted the death penalty in extreme cases without trial. The importance of the check on the *strategoi* may be indicated by the detailed description given of the process; however, it would be unwise to read too much into it, since this is the only description which Aristotle gives of the procedure followed when an accusation was brought against a man in the course of his tenure of public office; he may have chosen this as the most appropriate place to include a description which he intended his readers to take as a type for all the other occasions when a similar procedure was appropriate.

The regimental commanders each had charge of one tribe's contingent of hoplites, usually his own. The post was instituted after 490, and it is tempting to associate its origin with the increasing importance of the ten *strategoi* after 487/6; perhaps their existence facilitated the development whereby the *strategoi* ceased to be tied to their own tribal units. It is of some interest that the subordinate officers were appointed by them, not by the *strategoi*—another sign of the divorce of the *strategoi* from their original function of tribal commanders. The two cavalry commanders held positions of considerable prestige—their post is linked with the office of *strategos* and ambassador as 'the greatest

honours' by Lysias *on the* dokimasia *of Euandros* 20); the monthly vote on their conduct also shows that they were on a par with the *strategoi* at least in some respects. The position of the ten tribal cavalry commanders is strictly parallel to that of the ten regimental commanders. The cavalry commander in Lemnos commanded a detachment stationed there to protect the Athenian cleruchs on the island.

The 'Paralos' and the 'Ammonis' (or 'Ammonias') were the two state triremes which were used to send official despatches, carry ambassadors and for other public business; they were always manned by citizens, and were supposed to be the fastest ships of the fleet. In the fifth century the two state ships had been the 'Paralos' and the 'Salaminia'. The date when the 'Ammonis' was substituted for the 'Salaminia' as one of the two state vessels is unknown; interest in the oracle of Zeus Ammon may well have been increased by the visit of Alexander the Great in 331, but Athens is known to have consulted it as early as the late fifth century.

LXII The details lying behind the discussion of where and exactly how the selection for offices filled by lot took place are unknown; the text indicates that it was suspected or proved that the casting of lots for office in as small a group as those members of one deme who attended any particular election was open to abuse, and therefore most offices were allocated by tribe. It is a not unreasonable guess that at least all boards of ten were selected by lot by tribes, since one may presume that the existence of a board of ten implies one member from each tribe except where there is specific evidence to the contrary as in the case of the *strategoi*. The text is confirmed by the evidence of the inscriptions containing lists of the Prytanies of the fourth century: membership of the *Boule* was proportional to the size of the deme, and the preliminary selection must therefore have been made at the deme level. It is probable that each deme selected twice as many men as were required, half of whom were then selected as members, and half as reserves. The guards mentioned may have been the guards of the docks mentioned in XXIV,3 or may have been used abroad when required; see above on XXIV.

Pay for attendance at meetings of the *Ekklesia* was first introduced at the very beginning of the fourth century; see XLI,3 with Commentary. The highest fee mentioned in that passage is half a drachma; by Aristotle's day it had been doubled, and represents a fairly large sum, for the jurors still received only half a drachma—the level to which Cleon had raised the original two-obol fee which Pericles had introduced (XXVII,3). The nine-obol fee for the plenary sessions of the *Ekklesia* shows what fee was needed to encourage a good attendance at the most important meeting of each prytany rather than what the average citizen would lose by missing a day's earnings. Most of the rest of the officials mentioned have already been discussed: for the Prytanies, see XLIII–XLIV, for the Archons LV–LIX, and for the commissioners of the games LX, with the relevant section of the Commentary in each case. The sacred commissioners to Delos were in charge of the temple funds

there, while the officials sent to Samos, Scyros, Lemnos and Imbros were all employed in government; one of them has already been mentioned, the cavalry commander for Lemnos in LXI,6. As already noted, fees were designed primarily as compensation for loss of earnings, with the purpose of enabling anyone to take an active part in politics; they were not intended to enable a man to make his living by doing his civic duty, and it is most unlikely that this would have been possible even with the higher fees paid in Aristotle's day; cf. above on XXIV.

The provision for repeated tenure of military positions is good sense; Pericles was *strategos* for some fifteen years, and Phocion held the position forty-five times. On the need for it to be possible to be a member of the *Boule* twice rather than once only (which was the rule for all other democratic offices) see above on XXXI.

LXIII–LXV Aristotle devotes the next three chapters to a very detailed account of the process of empanelling an Athenian jury. The highly complicated series of steps involved resulted from the passionate interest of the Athenians in ensuring that the system should be as fair as possible and that bribery or 'packing' of a jury should be prevented. The following discussion will first look at the process, and then deal with other details raised by Aristotle which have not been covered in the main discussion.

In the fifth century a body of 6,000 *dikastai* were selected each year by lot from those who put themselves forward; from this group juries were constituted each day as required. Up to ten courts might sit, and the juries might consist of any multiple of 100 members from 200 upwards (cf. LIII,3); the largest might even include all the 6,000. In the fourth century there is something to suggest that odd numbers (e.g. 501) were used to avoid a tied vote, but this cannot have been universal since Aristotle mentions a specific provision for the acquittal of the defendant in the event of a tie (LXIX,1). It was by no means certain that all the 6,000 would appear for service every day, especially since they tended to include a high proportion of the older members of the community—the fee was not as much as the average labourer would earn for a day's work, and was therefore more attractive to the infirm as 'pocket money' than to an able-bodied citizen. By Aristotle's day, the specific body of 6,000 had been discontinued, and the juries were drawn from all those who had put themselves forward for service that year; there might be as many as 10,000. However, the fact that the fee remained at 3 obols from at the latest 425 until Aristotle's day argues that there was no shortage for any sitting—otherwise it would have been necessary to raise the fee to make service more attractive.

Proceedings started early in the day; Aristophanes (*Wasps*) shows that the *dikastai* arrived so early that some at least had to leave home while it was still dark. Each man had a ticket with his name on it, and one of the first ten letters of the Greek alphabet, A–K; the *dikastai* from each tribe were divided into ten sections of roughly equal size (LXIII,4). When the *dikastes* arrived at the place where the allotment was to take

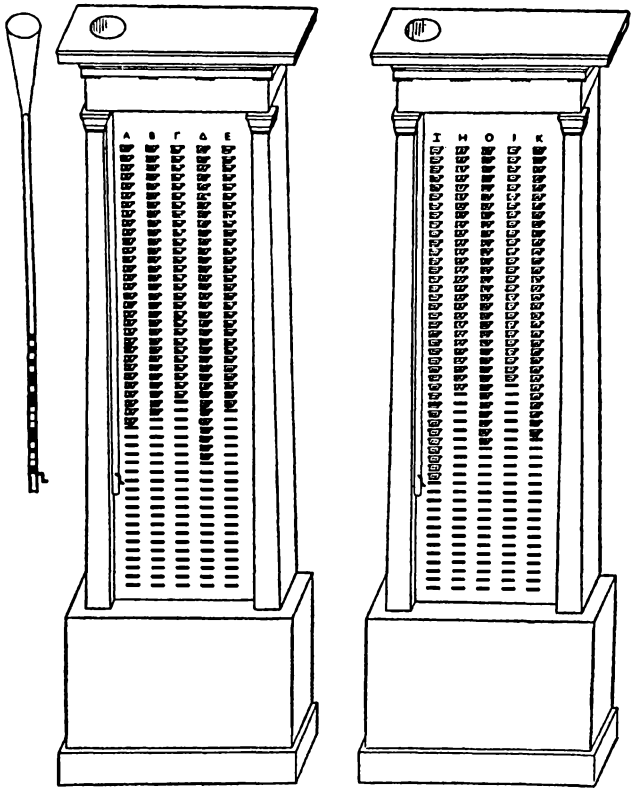
place, he went to whichever of the ten entrances corresponded to his tribe; there he placed his ticket in whichever of ten boxes corresponded to the letter on his ticket. The whole process of selection was presided over by the nine Archons with the secretary of the *Thesmothetai*, each presiding over one tribe at one entrance (LIX,7; LXIII,1). After the boxes containing the tickets had been shaken, the presiding magistrate drew out one from each box; the man so selected acted as 'ticket-inserter', and was automatically selected for jury service that day (LXIV,2–3). The next stage of the selection was conducted with the aid of an allotment machine, which was a tall block with five vertical rows of slots in it; there were two of these machines at each entrance, the rows of slots being labelled with the letters A–E and Z–K respectively.* The ticket-inserter drew the tickets of the *dikastai* from the box with the same letter as his own, and placed them in the column headed with this letter in the order in which they were drawn, starting at the top. The ticket-inserter was drawn each day, rather than being appointed for a period, because it must have been possible for him at least sometimes to see the names on the tickets he was drawing. It will be shown later that the last few drawn would on most days not serve on a jury, and it therefore follows that the ticket-inserter was potentially in a position where he could victimise some *dikastai*; hence, it would be wrong and dangerous for a man to hold this post for a period (LXIV,2).

Each presiding officer knew how many courts were to be filled and what size of jury was required for each; he therefore had to produce one-tenth of the total number of *dikastai* required from each tribe, and did this with the allotment machines. Naturally, not every column had the same number of slots filled, since the same number of men would not have appeared from each of the ten divisions of the tribe; he therefore automatically ruled out all those below the length of the shortest column. Assuming (purely as an illustrative example) that a total of 2,000 *dikastai* were required; 200 were therefore needed from each tribe, 100 from each of the allotment machines. *Dikastai* were accepted or rejected in horizontal rows of five; he therefore needed nineteen rows in addition to the ticket-inserters. The rows which were successful were decided by a device attached to the side of each allotment machine; this consisted of a long, narrow tube, into which cubes were placed, with a device to let them out one by one at the bottom. Assuming in the hypothetical example that there were 37 completed rows in a particular allotment machine, while 19 were needed to produce the hundred *dikastai* (allowing for the ticket-inserters), the presiding officer put 19 white cubes and 18 black cubes into a funnel at the top of the tube, and they fell into it in a random order. They were then released one at a time; if the first cube was white, the first horizontal row of five were selected for that day, if black they were rejected; the process decided the fate of each complete row (LXIV,3). Those unsuccessful in the ballot took their tickets and went home (LXV,3). This process was

* Z is the sixth letter of the Greek alphabet, and K the tenth.

1. Voting tokens

2. Jurors' ticket



3. Reconstruction of an allotment machine

used for each machine of each tribe, the number of white cubes remaining constant, the number of black varying according to the length of the shortest column in each machine.

The juries having been selected, there was a second allotment which decided which court they sat in. Before the draw for seats on the juries had begun, one of the *Thesmothetai* had drawn lots which decided which letter (from Λ onwards) should be placed at the door of each court to be manned (LXIII,5). When the names of the successful *dikastai* were called by the herald, they stepped forward and drew a ball from an urn. This urn contained the same number of balls as there were *dikastai* required from that tribe, and each ball had a letter on it; the letters corresponded with those put up at the entrance of each court, and each tribe's urn contained one-tenth of the number of balls with each letter, the total number of balls with each letter corresponding to the size of the jury required in that court. Thus the jury contained an equal number of members of each tribe, and was of the requisite size. The letter was shown to the presiding magistrate, and the man's ticket was placed in a box with the same letter on it as was on the ball; since this ticket was returned to him at the end of the sitting when he drew his fee, this ensured that he sat in the right court, for he could not draw his fee unless he was sitting in the court to which his ticket was taken (LXIV,4–5).

The ball entitled the *dikastes* to pass through an inner door, presumably into a corridor off which the actual courts opened; at the same time, he received a staff with a colour on it which corresponded to a colour painted over the door of the court to which he had been allocated; this formed a further check to ensure that he went to the right court, for the colour would be plain for all to see. As he entered the court, the *dikastes* received an official token which entitled him to his fee at the end of the day; he handed this in when he received his fee, and received his original ticket back at the same time (LXV,1–3; LXVIII,2).

The system outlined above made it impossible for any man to know for which case he would be selected on any day, or even to know whether he would sit or not; thus it was out of the question for a litigant to ensure that his friends sat to hear his case, and almost equally difficult to bribe a jury. The case mentioned above (XXVII,5) shows that bribery was not totally impossible in the fifth century, though it appears to have been difficult. The system just described was the result of over a century's development, and it may well be that it was easier to know who would be on a jury in the fifth century, and that further precautions were taken as a result of such cases, with the near fool-proof system described by Aristotle as the end-product. The system was equally remarkable for its fairness. The one element in it which was not totally equitable was the rejection of *dikastai* who were drawn in such a position that they occupied slots in the allotment machine lower than the last position filled in the shortest column. The most equitable form of draw would have involved using the black and white cubes in their tube

to decide the representation of each column separately: thus the required number of *dikastai* would have been selected from those present in each letter-group of each tribe. However, this would have involved drawing ten times for each tribe; the process as described by Aristotle must have been time-consuming, and to draw ten times instead of twice for each tribe would probably have made it impossibly so. This consideration, in fact, explains the one odd feature not so far discussed: on the face of it, it seems strange that there were two allotment machines of five columns instead of one of ten, but this ensured that an unusually poor attendance by one section affected only four other sections of a tribe instead of nine. Thus the Athenians made an important step in the direction of total equity without going so far that they imperilled the working of the whole process.*

There remain some details which require comment. That the position of *dikastes* was regarded as a public office, not merely part of the everyday functions of citizenship, is proved both by the minimum age limit of thirty, which was normal for all public office, and also by the exclusion of public debtors; they were deprived of many active political rights until they had cleared the debt. The penalties for sitting when disqualified were severe; they were apparently assessed by the court where a man had wrongly sat (Demosthenes, *against Meidias* 182).

The exact geography of the courts is not known, and a final solution will have to wait on the excavation of the *dikasteria*. It is clear that there was a general assembly area with a separate entrance for each tribe; that there was an 'inner door' through which the *dikastes* passed on his way to the court which he had drawn; and that there was a further door at the entrance to the court itself, on the lintel of which a colour was permanently painted, and by which the letter drawn at the beginning of the day was hung. The exact shape and disposition of the courts is not certain. The name of one implies that it was triangular, which implies further that it had been fitted into an awkwardly shaped space at the time of its construction. The most economical theory would suggest a row of courts joined to each other, but this is not acceptable since the orators imply not merely that crowds could gather round the court and hear and see what was going on (which is easy enough), but that this crowd surrounded three sides of the place where the court sat. This in turn implies that the crowd could assemble between one court and the next, which poses difficulties for the supposed corridor down which the *dikastai* apparently passed from their tribe entrance to the entrance of the individual court in which they were to sit. All that one can be certain of is that the courts were surrounded only by low walls on one side at least, and perhaps on three; they may have been only partly roofed.

* The above note is deeply indebted to the definitive publication on the allotment machines: S. Dow, 'Aristotle, the Kleroteria and the Courts', *HSCP* L (1939) 1–34. A well-illustrated and brief summary may be found in the American School at Athens' Agora Picture Book no. 4, 'The Athenian Citizen'.

LXVI Once the juries had been allotted to their courts, the magistrates were allotted to the courts they would preside over; the allotment machines described here were very different from those used for the allotment of the juries, and probably consisted only of two of the tubes used to decide the fates of the rows of jurors whose tickets had already been inserted into the jury machines. Note that the element of lot went so far as to pick two of the *Thesmothetai* by lot to put the colours of the courts and the names of the magistrates into the machines; the Athenians were determined that it should not be at all possible for anyone to know in advance where he would be sitting.

When the presiding magistrate reached his court, he then drew one member of each tribe to serve as a court official; he drew the names from the boxes containing the original tickets of the *dikastai* which had been brought to the court where they were sitting. There was then a further draw to produce one of the ten to supervise the water clock which controlled the length of the speeches, four to supervise the voting procedure, and five to distribute fees to the jury at the end of the hearing. On the first five see further LXVII–LXIX with Commentary below; the fact that there were five distributing the fees suggests that the figure missing at LXV,4 was five.

LXVII The papyrus of the *Constitution of Athens* is in reasonably good condition until the beginning of chapter LXIV, but from there on it becomes increasingly fragmentary. Towards the end of LXVII the papyrus is so mutilated that it is impossible to make anything very useful of it for a number of lines; the same is true of the opening of LXVIII. In the translation, I have used the text as restored by editors without indication of how much has been added by conjecture; to do that would produce a forest of brackets or italics in the worst areas. Restorations of LXIV and LXV are on the whole convincing, and confirmation can be drawn from the reconstruction of the processes involved in the allotting of jurors to courts. LXVI and LXVII are less certain, while LXVIII and LXIX are better preserved. Those who wish to study the exact authority behind the translation are referred to the Oxford Classical Text (Kenyon) or the standard editions; Von Fritz/Kapp also indicate restorations by italics and brackets in their translation.

The cases were called by the presiding magistrate in each court, though it should be stressed that his function bore almost no relation to that of a judge in a modern court; he was responsible for 'chairing the meeting' and preserving good order, not for expounding the law or giving any sort of judgement. The four types of private cases referred to in §1 are probably those defined in §2, three being distinguished by the value of the property at issue; the 'disputed claims' would be to inheritances or wardships and the like.

The water clock was a standard way of measuring time in Greece. It consisted of two large jars; the upper one had a minute copper pipe at the bottom, and water ran from the upper through this pipe into the lower. The rate of flow was known, and the number of measures

allowed for each type of case thus told the speaker how long he was allowed to speak for. In private cases the clock was stopped for the reading of evidence, laws and other relevant documents, which were read to the court by the clerk of the court, but in public cases, that is crimes alleged against the state, the whole day was allocated in equal sections to the litigants. In no circumstances did a case last more than one day. The fragments surviving from §§4–5 probably show that the public cases in which the day was divided into sections were the most serious cases, and that the division of the day did not mean precisely what it says. Poseideon fell in December–January, and the standard adopted was therefore that of the shortest days of the year. The text implies that the length of time that it was possible to allocate to each side during the period of daylight at this time of year was the length of time allocated to them at all times; it also must therefore have been measured by the water clock.

The primary speech on each side had to be delivered by the prosecutor and defendant respectively. They were allowed to employ professional orators to deliver the supporting speeches, and could also employ speech writers to compose what they delivered themselves. Thus the requirement for a man to deliver the main speech himself was not such a severe challenge as it sounds at first, but could still have been a major ordeal; it cannot have been without its effect on the outcome in some cases.

LXVIII The discussion of the size of juries (§1) is so fragmentary as to add very little to our knowledge; 'the majority' is, all but the last letter, a restoration, and must be treated with caution, plausible as it may be. *Heliaia* was originally used in Athens to mean the people sitting as a court as instituted by Solon (above, IX with Commentary); here the term appears to be used of any jury of over 500, though the text is too fragmentary to allow certainty.

Examples of the voting tokens used by *dikastai* have been found in Athens; they consist of a disc of bronze with a pipe or bar running through them, rather like a small wheel centrally placed on a short axle. Some are pierced, that is the 'axle' is hollow, others solid, that is the 'axle' is solid; pierced tokens were for the prosecution, solid for the defence (LXIX,1). Every man received one of each, and cast *both*, one into the container which would be counted, and one into the container for discards; thus the secrecy of the ballot was ensured, for by holding the 'axle' of the token between his finger and thumb (§4) and thus covering its ends, he could ensure that nobody knew which he put into which container. The fact that he voted in both rather than casting a vote *either* into a container for condemnation *or* a container for acquittal also ensured secrecy. Equally careful precautions were taken to ensure that the litigants saw that justice was done, to make certain that there had been no previous 'planting' of votes, and to make sure that the *dikastai* actually voted—otherwise they would not receive the tag which had to be handed in when they received their fee.

The exact significance of the process of protesting at evidence is not known; it may be that this was the moment at which allegations of perjury had to be made, though it seems unlikely that perjury could not be alleged and lead to prosecution at a later date. Perhaps this was the last moment at which protests could be made which would be discussed before the voting, and the proviso was solely aimed at preventing a man from disrupting proceedings by issuing a desperate challenge against some piece of evidence if he suspected half-way through the voting that he was losing. If this was so, logic would suggest that the procedure had arisen before the institution of quite such carefully devised secrecy for the ballot, so that it was possible for a man to know how the votes of the jury were being cast.

LXIX The procedure for counting votes is self-explanatory; the men in charge were the four picked by lot (LXVI,2). There was no parallel in Athens to the modern judge who assesses a penalty: either the penalty was prescribed in the statute under which the defendant was accused, or there was a second 'trial' in which each side proposed penalties. The defence naturally proposed a milder penalty than the prosecution; both sides were allowed to deliver brief speeches, and the *dikastai* then voted for the penalty they thought more suitable in exactly the same way as they had voted for the verdict. The most famous instance of this procedure is described in Plato's *Apology*, though there the alternative proposed by Socrates was manifestly too mild, and known to be so; hence the higher vote for the prosecution's penalty than was originally given for Socrates' condemnation.

The treatise ends very abruptly, but the lay-out of the last page of the papyrus shows that the scribe who copied it had copied all the text which he had in front of him, and it seems quite probable that the original did conclude at this point. It is by no means an unsuitable end; one would not expect a technical work of this sort necessarily to have a peroration or summing-up, and the detailed account of the many ways in which the Athenians attempted to ensure that the administration of justice was as fair and uncorruptible as possible makes a suitable end in view of the central and vital role which the Athenians always assigned to the *dikasteria* in the maintenance of the democracy.

APPENDIX TO PART II

A manuscript in Paris preserves a very brief summary which gives every appearance of being derived from Aristotle's *Constitution of Athens*; it is referred to as the *Epitome of Heraclides*. This work summarises the lost opening chapters of Aristotle's work as follows:

1 The Athenians initially were ruled by kings; after Ion had united them into one state, they were called Ionians.

Pandion, who was king after Erechtheus, divided the rule between his sons, and they ended by quarrelling. Theseus reunified the people by proclamation on terms of equality. He went to Scyros, and was killed when he was pushed over a cliff by Lukomedes who was afraid that he might seize the island. At a later period, after the Persian Wars, the Athenians brought his bones back to Athens.

From the time of the sons of Codrus the Athenians no longer chose kings because they thought that they were living in luxury and had become soft. One of the sons of Codrus, Hippomenes, wished to dispel the slander, and when he caught an adulterer with his daughter Leimone, he killed him by tying him under his chariot, and shut her up with a horse until she was dead.

2 Megacles and his associates killed the supporters of Cylon in his attempt to establish a tyranny after they had taken refuge at the altar of Athena; those responsible were exiled as accursed.

The historical value of the information contained in this section must have been highly dubious even in Aristotle's original version, and the situation is not made any better by the fact that we have only a summary of what he wrote; comparison of later parts of the *Epitome* with the surviving text is not encouraging. Ion himself was not a historical character, but the connection of Athens with the Ionian branch of the Greek people is confirmed archaeologically. The story of Theseus is also probably largely mythical as repre-

sented here and in Plutarch's *Theseus,* though there may well be a substratum of truth lying beneath it which refers to an important step in the process of the unification of Attica. Plutarch ascribes to Theseus the establishment of the old aristocratic classes of the *eupatridai,* the *geomoroi* and the *demiourgoi,* and assigns to the *eupatridai* control of religious ceremonial, the provision of the Archons, the exposition of the laws, and general control of things sacred and profane. He quotes Aristotle specifically for the statement that Theseus was the first to show favour to the common people; see Plutarch *Theseus,* 25. Thucydides (II,15,2) says that Theseus established one Council for the whole of Attica—presumably the Areopagus.